



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

सं. 37] नई दिल्ली, सितम्बर 6—सितम्बर 12, 2015, शनिवार/भाद्र 15—भाद्र 21, 1937  
No. 37] NEW DELHI, SEPTEMBER 6—SEPTEMBER 12, 2015, SATURDAY/BHADRA 15—BHADRA 21, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)  
नई दिल्ली, 7 सितम्बर, 2015

का.आ. 1755.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मंत्रालय, विश्व व्यापार केन्द्र, मुंबई की सहमति से दिनांक 19 नवंबर, 2014 की अधिसूचना सं एमआईएससी-2014/सीआर-91/एसपीएल-3(क) के तहत सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 की अधिनियम सं 21) की धारा 66 के साथ पठित धारा 43 के अनुरूप बेलजियम दंड संहिता की अनुच्छेद 550 बीआईएस और 550 टीईआर के अतिक्रमण से मालवेयर के प्रयोगों के परिणामस्वरूप बेलजियन टेलिकोम अपरेटर बोलागोम एनबी के सूचना प्रौद्योगिकी प्रणाली में गैर कानूनी रूप से पहुंचने के लिए मालवेयर प्रयोग एवं गलती से ही इस सूचना प्रौद्योगिकी प्रणाली में अनिर्दिष्ट सूचनाओं के चोरी एवं हानि उत्पन्न करने के अपराध से संबंधित कानूनी सहायता हेतु (दिनांक 4.10.13 के नोट वेराबेल सं

13/00844) के बेलजियम राष्ट्र के राजदूतावास नई दिल्ली से प्राप्त लेटर्स रोगेटरी के कार्य निष्पादन एवं उपर्युक्त अपराध के संबंध में अथवा उससे जुड़े प्रयास, दुष्प्रेरण और षडयंत्र का एवं उन्हीं तथ्यों से उत्पन्न उसी दौरान किए गए कोई अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार संपूर्ण महाराष्ट्र राज्य पर करती है।

[फा सं 228/16/2015-एवीडी-II]

अजीत कुमार, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 7th September, 2015

S.O. 1755.—In exercise of the power conferred by sub-section (1) of section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Maharashtra, Home Department, Mantralaya, World Trade Centre, Mumbai vide Notification

No.MISC-2014/CR-91/SPL-3(A) dated 19th November, 2014, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Maharashtra for investigation in respect of execution of Lettters Rogatory received from the Embassy of the Kingdom of Belgium, New Delhi for legal assistance (Note Verbale No. 13/ 00844 dated 04.10.2013) relating to offences of use of malware to unlawfully access the secure information technology system of the Belgian telecom operator Belgacom N.V. and stealing unspecified information and causing damage, even inadvertently, to this information technology system as a result of the malware which correspond to violation of article 550 bis and 550ter of the Belgian Criminal Code corresponding to section 43 read with section 66 of the Information Technology Act, 2000 (Act No. 21 of 2000) and any other offence(s) attempt, abetments and conspiracies in relation to or in connection with above mentioned offence and any other offence or offence committed in the course of the same transaction arising out of the same facts.

[F.No. 228/16/2015 -AVD-II]  
AJIT KUMAR, Under Secy.

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1756.**—केन्द्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य सरकार, गृह विभाग, चंडीगढ़ के दिनांक शून्य की अधिसूचना सं० 20/10/2015-3 एचजी I द्वारा प्राप्त सहमति से पुलिस स्टेशन मानेसर, जिला गुडगांव में भा० द० संहिता की धारा 420, 468, 471 और 120- बी तथा भ्रष्टाचार निवारण अधिनियम 1988 की धारा 13 के तहत दर्ज एफआईआर सं० 510 दिनांक 12.08.2015 तथा उनसे संबंधित अपराधों, दुष्प्रेरणाओं और षड्यंत्रों या उसी संव्यवहार के भाग के रूप में किए गए अथवा उन्हीं तथ्यों से उत्पन्न अपराध या अपराधों एवं उपर्युक्त अपराधों में किए गए प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों तथा उसी संव्यवहार में किए गए अथवा उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध या अपराधों से संबंधित जांच के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त हरियाणा राज्य में करती है।

[फा० सं० 228/39/2015-एवीडी-II]

अजीत कुमार, अवर सचिव

New Delhi, the 9th September, 2015

**S.O. 1756.**—In exercise of the power conferred by sub-section (1) of section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Notification No. 20/10/2015-3 HG-1, dated NIL hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for investigation of FIR No. 510 dated 12.08.2015 u/s 420, 468, 471 and 120-B IPC and Section 13 of the Prevention of

Corruption Act, 1988, Police Station Manesar, Distt. Gurgaon and attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out the same facts.

[F.No. 228/39/2015-AVD-II]  
AJIT KUMAR, Under Secy.

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1757.**—केन्द्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं० 45) की धारा 6 की सहपठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अरुणाचल प्रदेश सरकार, सतर्कता विभाग, इटानगर के दिनांक 25 जुलाई, 2013 की अधिसूचना सं० पीएसवी-20/2012-13 द्वारा प्राप्त सहमति से अरुणाचल प्रदेश राज्य के भीतर केन्द्र सरकार तथा सार्वजनिक क्षेत्र उद्यमों (पीएसयू) अधिकारियों/कर्मचारियों के विरुद्ध निम्नलिखित अपराधों के अन्वेषण के संबंध में दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकार क्षेत्र का विस्तार संपूर्ण अरुणाचल प्रदेश राज्य पर करती है।

का० भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम सं० 45) की धारा

34, 114, 120-ख, 121, 121-क, 122, 123, 124, 124-क, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153, 153-क, 153-ख, 161, 162, 163, 164, 165, 165-क, 166, 167, 168, 169, 170, 171-इ, 171-च, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 203, 204, 211, 212, 214, 216, 216-क, 217, 218, 220, 222, 223, 224, 225, 225-ख, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-क, 275, 277, 279, 283, 284, 285, 286, 287, 292, 295, 295-क, 302, 303, 304, 304-क, 304-ख, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 331, 332, 333, 334, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 354, 355, 363, 363-क, 364, 364-क, 365, 366, 366क, 366ख, 367, 368, 370, 371, 372, 373, 374, 376, 376-क, 376-ख, 376-ग, 376-घ, 377, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 421, 423, 424, 426, 427, 429, 431, 432, 434, 435, 436, 440, 447, 448, 449, 450, 452, 454, 456, 457, 460, 461, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477, 477-क, 482, 483, 485, 489, 489-क, 489-ख, 489-ग, 489-घ, 489-ङ, 495, 498-क, 499, 500, 501, 502, 504, 505, 506, 507, 509 के तहत दण्डनीय अपराध

ख० केन्द्रीय अधिनियम:

निम्नलिखित के तहत दण्डनीय अपराध:—

1. एयरक्राफ्ट अधिनियम, 1934 (1934 का अधिनियम सं० 22) उक्त अधिनियम के तहत बनाए गए विनियम
2. अपहरण निरोध अधिनियम, 1982 (1982 का अधिनियम सं० 65)
3. पुरावस्तुओं एवं कलाकोष अधिनियम, 1972 (1972 का अधिनियम सं० 52)
4. पुरावस्तुओं (निर्यात नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम सं० 31) को निरस्त किया गया
5. आयुध अधिनियम, 1959 (1959 का अधिनियम सं० 54)
6. परमाणु ऊर्जा अधिनियम, 1962 (1962 का अधिनियम सं० 33)
7. बेनामी संचालन (निवारण) अधिनियम, 1988 (1988 का अधिनियम सं० 45) की धारा 3
8. बंधुआ मजदूर नियम (उन्मूलन) अधिनियम, 1976 (1976 का अधिनियम सं० 19)
9. केन्द्रीय उत्पाद एवं नमक अधिनियम, 1944 (1944 का अधिनियम सं० 1)
10. बाल श्रम (निवारण एवं विनियमावली) अधिनियम, 1986 की धारा 14(1) एवं 14 (3)
11. कंपनी अधिनियम, 1956 (1956 का अधिनियम सं० 1)
12. कॉपीराइट अधिनियम, 1957 (1957 का अधिनियम सं० 14) की धारा 63, 63-क, 63-ख, 65, 67, 68, 68-क एवं 69
13. अपराध कानून (संशोधन) अधिनियम, 1961 (1961 का अधिनियम सं० 23)
14. सीमा शुल्क अधिनियम, 1962 (1962 का अधिनियम सं० 52)
15. दहेज निवारण अधिनियम, 1961 (1961 का अधिनियम सं० 28) की धारा 3 एवं 4
16. औषधि एवं प्रसाधन सामग्री अधिनियम, 1940 (1940 का अधिनियम सं० 23)
17. उत्प्रवासी अधिनियम, 1983 (1983 का अधिनियम सं० 31) की धारा 24
18. आपातकालीन प्रावधान (निरंतरता) अध्यादेश, 1946 (1946 की अध्यादेश सं० 20) यदि केन्द्र सरकार द्वारा जारी किए गए किसी आदेश के उल्लंघन द्वारा केन्द्र सरकार के कर्मचारियों, ठेकेदारों अथवा उप-ठेकेदारों अथवा उनके प्रतिनिधियों द्वारा प्रतिबद्ध हो।
19. आवश्यक वस्तु अधिनियम, 1955 (1955 का अधिनियम सं० 10)
20. विस्फोटक अधिनियम, 1884 (1884 का अधिनियम सं० 4)
21. विस्फोटक पदार्थ अधिनियम, 1908 (1908 का 6)
22. विद्युत अधिनियम, 1910 (1910 का 9)
23. विदेशी अभिदाय (विनियमन) अधिनियम, 1976 (1976 का 49)
24. विदेशी अभिदाय (विनियमन) अधिनियम, 2010 (2010 का 42)
25. विदेशी विषयक अधिनियम, 1946 (1946 का 31)
26. विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46)
27. साधारण बीमा कारबार (राष्ट्रीयकरण) अधिनियम, 1922 (1922 का 57)
28. दार-कर अधिनियम, 1958 (1958 का 18)
29. स्वर्ण नियंत्रण अधिनियम, 1968 (1968 का 45)
30. आयकर अधिनियम, 1961 (1961 का 43)
31. आयात और निर्यात (नियंत्रण) अधिनियम, 1947 (1947 का 18)
32. अनैतिक व्यापार (निवारण) अधिनियम, 1956 (1956 का 104) की धारा 3, 4, 5, 8, 9 एवं 15
33. बीमा अधिनियम, 1938 (1938 का 4)
34. उद्योग (विकास और विनियम) अधिनियम, 1951 (1961 का 65)
35. सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का अधिनियम सं० 21)
36. सूचना प्रौद्योगिकी (संशोधन) अधिनियम, 2008 (2009 का अधिनियम सं० 10)
37. भारतीय मुद्रा अधिनियम, 1899
38. भारतीय वन अधिनियम, 1927 (1927 का अधिनियम सं० 16)
39. बाल न्याय अधिनियम, 2006 की धारा 23, 24, 25 एवं 26
40. लॉटरी (विनियम) अधिनियम, 1998 (1998 का अधिनियम सं० 17)
41. खनन एवं खनिज (विनियम एवं विकास) अधिनियम, 1957 (1957 का अधिनियम सं० 67)
42. मोटर वाहन अधिनियम, 1939 (1939 का अधिनियम सं० 4)

43. स्वापक औषधि और मनः प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम सं० 61)
44. स्वापक औषधि और मनः प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम सं० 61) की धारा 25-क
45. पराक्राम्य लिखत अधिनियम, 1861 की धारा 138 (1861 का अधिनियम सं० 26)
46. सरकारी गोपनीयता अधिनियम, 1923 (1923 का अधिनियम सं० 19)
47. पासपोर्ट अधिनियम, 1920 (1920 का अधिनियम सं० 24) तथा पासपोर्ट नियमावली, 1950 का नियम सं० 6
48. पासपोर्ट (भारत में प्रवेश) अधिनियम, 1920 के संदर्भ में (1920 का अधिनियम सं० 34) पासपोर्ट (भारत में प्रवेश) नियमावली, 1950.
49. पासपोर्ट अधिनियम, 1967 (1967 का अधिनियम सं० 15)
50. डाक घर अधिनियम, 1898 (1898 का अधिनियम सं० 2)
51. भ्रष्टाचार निवारण अधिनियम, 1947 (1947 का अधिनियम सं० 2)
52. भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं० 49)
53. खाद्य अपमिश्रण निवारण अधिनियम, 1954 (1954 का अधिनियम सं० 37)
54. लोक संपत्ति नुकसान निवारण अधिनियम, 1984 (1984 का अधिनियम सं० 3)
55. स्वापक औषधि और मनः प्रभावी पदार्थ अधिनियम, 1988 (1988 का अधिनियम सं० 46)
56. राष्ट्रीय प्रतिष्ठा की अवमानना निवारण अधिनियम, 1971 (1971 का अधिनियम सं० 69)
57. आतंकवाद निवारण अध्यादेश, 2001 (2001 का 9)
58. आतंकवाद निवारण अधिनियम, 2002 (2002 का अधिनियम सं० 15)
59. प्रैस तथा प्रस्तकों का पंजीकरण अधिनियम, 1867 (1867 का अधिनियम सं० 25)
60. पारितोषिक चिट एवं मुद्रा परिचालन योजना (प्रतिबंध) अधिनियम, 1978 की धारा 4 और 5 (1978 का अधिनियम सं० 43)
61. यौन उत्पीड़न से बच्चों का संरक्षण अधिनियम, 2012 (2012 का अधिनियम सं० 32)
62. सार्वजनिक परीक्षा (अपराध) अधिनियम, 1980 (1980 का अधिनियम सं० 62)
63. रेलवे अधिनियम, 1890 (1890 का अधिनियम सं० 9)
64. रेलवे भंडार (अवैध कब्जा) अधिनियम, 1955 (1959 का अधिनियम सं० 51)
65. रेलवे अधिनियम, 1989 (1989 का अधिनियम सं० 24)
66. लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का अधिनियम सं० 43)
67. लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का अधिनियम सं० 43)
68. विदेशियों का पंजीकरण अधिनियम, 1939 (1939 का अधिनियम सं० 16)
69. भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1922 की धारा 24
70. नागर विमानन सुरक्षा अधिनियम, 1982 के विरुद्ध अवैध कार्यों पर प्रतिबंध (1982 का अधिनियम सं० 66)
71. धार्मिक संस्थाओं (दुरुपयोग निवारण) अधिनियम, 1988 (1988 का अधिनियम सं० 41)
72. अनुसूचित जाति और अनुसूचित जनजाति के (अत्याचार निवारण) अधिनियम, 1989 की धारा 3 एवं 4
73. महाद्वीपीय जल शेल्फ, विशेष आर्थिक क्षेत्र और अन्य समुद्री जोन अधिनियम, 1976 (1976 का अधिनियम सं० 80) की धारा 11 एवं 12
74. टेलीग्राफ अधिनियम, 1885 (1885 का अधिनियम सं० 13)
75. टेलीग्राफ तारों (अवैध कब्जा) अधिनियम, 1950 (1950 का अधिनियम सं० 74)
76. आतंकवाद और विघटनकारी गतिविधियां (निवारण) अधिनियम, 1985 (1985 का अधिनियम सं० 31) और इसके अंतर्गत बनाए गए नियम
77. आतंकवाद और विघटनकारी सक्रिय गतिविधियां (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं० 28) और इसके तहत बनाए गए नियम
78. मानवीय अंगों का ट्रांसप्लांटेशन अधिनियम, 1994 (1994 का अधिनियम सं० 42)
79. गैरकानूनी गतिविधियां (निवारण) अधिनियम, 1967 (1967 का अधिनियम सं० 37)
80. वायरलेस और टेलीग्राफी अधिनियम, 1933 (1933 का अधिनियम सं० 17)
81. संपत्ति कर अधिनियम, 1957 (1957 का अधिनियम सं० 27)
82. वन्य जीव का (संरक्षण) अधिनियम, 1972 की धारा 51 (1972 का अधिनियम सं० 53)

83. वन्य जीव (संरक्षण) अधिनियम, 1972 (1972 का अधिनियम सं० 53)

84. व्यावसायिक लेन-देन अधिनियम, 1999 (1999 का अधिनियम सं० 46) के तहत सभी संज्ञेय अपराध।

क और ख में उल्लिखित अपराधों के संबंध में प्रयास, दुष्प्रेरण तथा षड्यंत्र।

[सं० 228/63/2013-एवीडी-II]

अजीत कुमार, अवर सचिव

New Delhi, the 9th September, 2015

**S.O. 1757.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 45 of 1946), the Central Government with the consent of the State Government of Arunachal Pradesh Vigilance Department, Itanagar vide Notification No. PSV-20/2012-13 dated 25th July 2013, hereby extends the powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Arunachal Pradesh for investigation of the following offences against Central Government and Public Sector Undertaking (PSU) Officers/ Officials within the State of Arunachal Pradesh:—

A Offences punishable under sections 34, 114, 120-B, 121, 121-A, 122, 123, 124, 124-A, 128, 129, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153, 153-A, 153-B, 161, 162, 163, 164, 165, 165-A, 166, 167, 168, 169, 170, 171-E, 171-F, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 203, 204, 211, 212, 214, 216, 216-A, 217, 218, 220, 222, 223, 224, 225, 225-B, 231, 232, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263-A, 275, 277, 279, 283, 284, 285, 286, 287, 292, 295, 295-A, 302, 303, 304, 304-A, 304-B, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 331, 332, 333, 334, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363-A, 364, 364-A, 365, 366, 366-A, 366-B, 367, 368, 370, 371, 372, 373, 374, 376, 376-A, 376-B, 376-C, 376-D, 377, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 421, 423, 424, 426, 427, 429, 431, 432, 434, 435, 436, 440, 447, 448, 449, 450, 452, 454, 456, 457, 460, 461, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477, 477-A, 482, 483, 485, 489, 489-A, 489-B, 489-C, 489-D, 489-E, 495, 498-A, 499, 500, 501, 502, 504, 505, 506, 507, 509 of Indian Penal Code, 1860 (Act No. 45 of 1860).

#### B. CENTRAL ACTS:

Offences punishable under:—

1. Aircraft Act 1934 (Act No. 22 of 1934) and rules made under the said Act.
2. Anti-Hijacking Act 1982 (Act No. 65 of 1982).

3. Antiquities and Art Treasures Act 1972 (Act No. 52 of 1972).
4. Antiquities (Export Control) Act, 1947 (Act No. 31 of 1947) Repealed.
5. Arms Act 1959 (Act No. 54 of 1959).
6. Atomic Energy Act 1962 (Act No. 33 of 1962).
7. Section 3 of the Benami Transaction (Prohibition) Act 1988 (Act No. 45 of 1988).
8. Bonded Labour System (Abolition) Act, 1976 (Act No. 19 of 1976).
9. Central Excises and Salt Act 1944 (Act No. 1 of 1944).
10. Section 14(1) and 14(3) of Child Labour (Prohibition and Regulation) Act, 1986
11. Companies Act 1956 (Act No. 1 of 1956)
12. Sections 63, 63-A, 64-B, 65, 67, 68, 68-A and 69 of Copy-rights Act, 1957 (Act No. 14 of 1957) .
13. Criminal Law (Amendment) Act 1961 (Act No. 23 of 1961) .
14. Customs Act 1962 (Act No. 52 of 1962) .
15. Section 3 and 4 of the Dowry Prohibition Act, 1961 (Act No. 28 of 1961) .
16. Drugs and Cosmetics Act 1940 (Act No. 23 of 1940) .
17. Section 24 of Emigration Act 1983 (Act No. 31 of 1983) .
18. Emergency Provisions (Continuance) Ordinance 1946 (Ordinance No. 20 of 1946) if committed by the Employees of the Central Government or contractors or sub-contractors or their representatives by contravening any order issued by the Central Government.
19. Essential Commodities Act 1955 (Act No. 10 of 1955) .
20. Explosives Act 1884 (Act No. 4 of 1884.)
21. Explosive Substances Act 1908 (Act No. 6 of 1908).
22. Electricity Act 1910 (Act No. 9 of 1910) .
23. Foreign Contribution (Regulation) Act 1976 (Act No. 49 of 1976).
24. Foreign Contribution (Regulation) Act 2010 (Act No. 42 of 2010).
25. Foreigners Act, 1946 (Act No. 31 of 1946).
26. Foreign Exchange Regulation Act, 1973 (Act No. 46 of 1973).



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| <p>27. General Insurance Business (Nationalisation) Act 1922 (Act No. 57 of 1922).</p> <p>28. Gift Tax Act 1958 (Act No. 18 of 1958).</p> <p>29. Gold Control Act 1968 (Act No. 45 of 1968).</p> <p>30. Income Tax Act 1961 (Act No. 43 of 1961).</p> <p>31. Import and Export (Control) Act 1947 (Act No. 18 of 1947).</p> <p>32. Sections 3,4,5,8,9, and 15 of the Immoral Traffic (Prevention) Act 1956 (Act No. 104 of 1956).</p> <p>33. Insurance Act 1938 (Act No. 4 of 1938).</p> <p>34. Industries (Development and Regulation) Act 1951 (Act No. 65 of 1951).</p> <p>35. Information Technology Act 2000 (Act No. 21 of 2000).</p> <p>36. Information Technology (Amendment) Act, 2008 (Act No. 10 of 2009).</p> <p>37. Indian Stamp Act, 1899.</p> <p>38. The Indian Forest Act, 1927 (Act No. 16 of 1927).</p> <p>39. Sections 23, 24, 25 and 26 of the Juvenile Justice Act, 2006.</p> <p>40. The Lotteries (Regulation ) Act 1998 (Act No. 17 of 1998).</p> <p>41. Mines and Minerals (Regulation and Development) Act 1957 (Act No. 67 of 1957).</p> <p>42. Motor Vehicles Act 1939 (Act No. of 1939).</p> <p>43. Narcotic Drugs and Psychotropic Substance Act 1985 (Act No. 61 of 1985).</p> <p>44. Section 25-A of the Narcotic Drugs and Psychotropic Substance Act 1985 (Act No. 61 of 1985).</p> <p>45. Section 138 of the Negotiable Instrument Act 1881 (Act No. 26 of 1881).</p> <p>46. Official Secrets Act 1923 (Act No. 19 of 1923).</p> <p>47. Passport Act 1920 (Act No. 24 of 1920) and rule 6 of passport Rules 1950.</p> <p>48. The Passport (Entry into India) Rules 1950 r/w Passport (Entry into India) Act 1920, (Act No. 34 of 1920).</p> <p>49. Passport Act 1967 (Act No. 15 of 1967).</p> <p>50. Post Office Act 1898 (Act No. 6 of 1898).</p> <p>51. Prevention of Corruption Act 1947 (Act No. 2 of 1947).</p> <p>52. Prevention of Corruption Act 1988 (Act No. 49 of 1988).</p> <p>53. Prevention of Food Adulteration Act 1954 (Act No. 37 of 1954).</p> | <p>54. Prevention of Damage to Public Property Act 1984 (Act No. 3 of 1984).</p> <p>55. The Prevention of Damage to Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act 1988 (Act No. 46 of 1988).</p> <p>56. Prevention of Insults to National Honour Act 1971 (Act No. 69 of 1971).</p> <p>57. Prevention of Terrorism Ordinance 2001 (No. 9 of 2001).</p> <p>58. Prevention of Terrorism Act 2002 (Act No. 15 of 2002).</p> <p>59. The Press and Registration of Books Act 1867 (Act No. 25 of 1867).</p> <p>60. Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act 1978 (Act No. 43 of 1978).</p> <p>61. Protection of Children from Sexual Offences Act, 2012 (Act No. 32 of 2012)</p> <p>62. Public Examination (Offences) Act, 1980 (Act No. XLII of 1980).</p> <p>63. Railways Act 1890 (Act No. 9 of 1890).</p> <p>64. Railways Stores (Unlawful Possession) Act 1955 (Act No. 51 of 1959).</p> <p>65. The Railways Act 1989 (Act No. 24 of 1989).</p> <p>66. Representation of the People Act 1950 (Act No. 43 of 1950).</p> <p>67. Representation of the People Act 1951 (Act No. 43 of 1951).</p> <p>68. Registration of Foreigners Act 1939 (Act No. 16 of 1939).</p> <p>69. Section 24 of the Securities Exchange Board of India Act 1992.</p> <p>70. Suppression of Unlawful Act against Safety of Civil Aviation Act 1982 (Act No. 66 of 1982).</p> <p>71. The Religious Institutions (Prevention of Misuse) Act 1988 (Act No. 41 of 1988).</p> <p>72. Section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.</p> <p>73. Section 11 &amp; 12 of the Territorial Waters Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (Act No. 80 of 1976).</p> <p>74. Telegraph Act 1885 (Act No. 13 of 1885).</p> <p>75. Telegraph Wires (Unlawful Possession) Act 1950 (Act No. 74 of 1950).</p> |
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76. Terrorist and Disruptive Activities (Prevention) Act 1985 (Act No. 31 of 1985) and Rules made hereunder.
77. Terrorist and Disruptive Activities (Prevention) Act 1987 (Act No. 28 of 1987) and Rules made thereunder.
78. Transplantation of Human Organs Act, 1994 (Act No. 42 of 1994).
79. Unlawful Activities (Prevention) Act 1967 (Act No. 37 of 1967).
80. Wireless and Telegraphy Act 1933 (Act No. 17 of 1933).
81. Wealth Tax Act 1957 (Act No. 27 of 1957).
82. Section 51 of Wild Life (Protection) Act 1972 (Act No. 53 of 1972).
83. Wild Life (Protection) Act 1972 (Act No. 53 of 1972).
84. All cognizable offences under the Trade Marks Act, 1999 (Act No. 46 of 1999).

and attempts, abetment and conspiracy in relation to or in connection with the offences mentioned at A and B.

[No. 228/63/2013-AVD-II]  
AJIT KUMAR, Under Secy.

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1758.**—केन्द्र सरकार, एतद्द्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल राज्य सरकार, गृह विभाग, आंतरिक सुरक्षा ब्रांच, गोपनीय प्रकोष्ठ नबाना, एचआरबीसी भवन, शिवपुर, हावड़ा कोलकाता की 22 दिसम्बर, 2014 के सरकार द्वारा दी गई 1613-आईएसएस की सहमति से लम्जमवर्ग की ग्रांड डची राजदूतावास से प्राप्त रेगुलेटरी पत्रों के कार्यान्वयन किए जाने के संबंध में स्वचालित आंकड़ा प्रक्रियान्वयन प्रणाली, गलत नाम का प्रयोग करने, अप्रार्थित सम्प्रेषण, हेतु पूरे पश्चिम बंगाल में दिल्ली विशेष पुलिस स्थापन के सदस्यों को छिपाव इत्यादि से संबंधित कपटपूर्ण पहुंच, का अन्वेषण करने के लिए शक्तियों और न्यायाधिकार क्षेत्र का कानूनी सहायता (वरंबेल सं० 27/2014 दिनांक 15.07.2014) विस्तार संपूर्ण पश्चिम बंगाल राज्य पर करती है। यह एक प्रकार का फोन स्कैम है, जिसमें विश्वभर में हजारों कम्प्यूटरों में फोन कॉल द्वारा फैलाया जाता है। लम्जमवर्ग भी इस प्रकार के आक्रमणों का लक्ष्य रहा है जिससे लम्जमवर्ग की अपराध संहिता के अनुच्छेद 509-1, 509-2 और 509-3 का उल्लंघन होता है। कथित अपराध सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21वां अधिनियम) की धारा 66 के साथ पठित धारा 43 के

विविध प्रावधानों, अन्य अपराधों, उससे जुड़े विविध प्रयासों तथा समान तथ्यों से उत्पन्न समान लेन-देन से संबंध रखता है।

[सं० 228/70/2014-एवीडी-II]  
अजीत कुमार, अवर सचिव

New Delhi, the 9th September, 2015

**S.O. 1758.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of West Bengal, Home Department, Internal Security Branch, Secret Cell Nabanna, HRBC Building, Shibpur, Howrah, Kolkata *vide* No. 1613-I.S.S. dated 22nd December, 2014, hereby extends the powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of West Bengal for investigation in respect of execution of Letters Rogatory received from the Embassy of the Grand Duchy of Luxembourg, New Delhi for legal assistance (Note Verbale No. 27/2014, dated 15.07.2014) relating to fraudulent access to an automated data processing system, public use of a false name, unsolicited communication, concealment processing system, public use of a false name, unsolicited communication, concealment etc. This is a kind of phone scam, wherein thousands of computers throughout the world are infested by phone call. Luxembourg is also a target of these attacks which correspond to violation of Article 509-1, 509-2, and 509-3 of the Criminal Code of Luxembourg. The said offences correspond to various provisions of Sections 43 read with 66 of the Information Technology Act, 2000 (Act No. 21 of 2000) and any other offence (s), attempt, abetments and conspiracies in relation to or in connection with above mentioned offence and any other offence of offences committed in course of the same transaction arising out of the same facts.

[No. 228/70/2014-AVD-II]

AJIT KUMAR, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1759.**—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्द्वारा श्रीमति स्नेहलता श्रीवास्तव, अपर सचिव, वित्तीय सेवाएं विभाग को डॉ० हसमुख अधिया के स्थान पर तत्काल प्रभाव से

और अगले आदेशों तक उक्त निगम के सदस्य के रूप में नियुक्त करती है।

[फा० सं० 14/3/2003-बीमा-IV]  
एन० श्रीनिवास राव, निदेशक (बीमा)

**MINISTRY OF FINANCE**  
**(Department of Financial Services)**

New Delhi, the 4th September, 2015

**S.O. 1759.**—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Smt. Snehlata Shrivastava, Additional Secretary, Department of Financial services as Member of the said Corporation *vice* Dr. Has Mukh Adhia, with immediate effect until further orders.

[F.No. 14/3/2003-Ins.-IV]

N. SRINIVASARAO, Director (Insurance)

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1760.**—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड) के उपखंड (i) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री आलोक टण्डन (आईएस-1986-यूपी), संयुक्त सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से और अगले आदेश होने तक डॉ० हसमुख अडिया के स्थान पर भारतीय निर्यात-आयात बैंक (एक्जिम बैंक) के निदेशक मण्डल में निदेशक नामित करती है।

[फा० सं० 9/16/2012-आईएफ-1]  
सौम्याजीत घोष, अवर सचिव

New Delhi, the 8th September, 2015

**S.O. 1760.**—In pursuance of sub-clause (i) of clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (No. 28 of 1981), Central Government hereby nominates Shri Alok Tandon (IAS-1986-UP), Joint Secretary, Department of Financial Services, Ministry of Finance, New Delhi as a Director on the Board of Directors of Export Import Bank of India with immediate effect and until further orders *vice* Dr. Has Mukh Adhia.

[F.No. 9/16/2012-IF-1]

SOUMYAJIT GHOSH, Under Secy.

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1761.**—सरकारी स्थान अनधिकृत (अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित सारणी के कालम (2) में उल्लिखित अधिकारी को नियुक्त करती है जो उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी (एस्टेट आफिसर)

होंगे। कथित अधिकारी उक्त अधिनियम के अंतर्गत अपने क्षेत्राधिकार की स्थानीय सीमाओं के भीतर आने वाले क्षेत्र, जो निम्नलिखित सारणी के कॉलम (3) में विनिर्दिष्ट हैं, प्रदत्त शक्तियों का प्रयोग करेंगे और सम्पदा अधिकारी को सौंपे गए कार्य करेंगे।

**सारणी**

क्रम सं०	पदनाम और पता	सरकारी स्थानों की श्रेणियों और अधिकारिता की स्थानीय सीमाएं
1	2	3
1.	श्री कैलाशनाथ, मुख्य प्रबंधक, देना बैंक, एचआरएम विभाग, प्रधान कार्यालय, देना कारपोरेट केन्द्र, तीसरा तल, सी-10, जी ब्लॉक, बान्द्रा-कुर्ला काम्प्लेक्स, बान्द्रा (ईस्ट), मुम्बई-400051 (महाराष्ट्र)	भारत में देना बैंक के प्रशासनिक नियंत्रण के तहत उसके परिसर अथवा बैंक के आधार पर अथवा उसके द्वारा पट्टे पर लिए गए परिसर।

[फा० सं० 4/1/2015-बीओए]

तीर्थ राम, अवर सचिव

New Delhi, the 9th September, 2015

**S.O. 1761.**—In exercise of the powers conferred by section 3 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officer mentioned in column No. 2 of the table below to be Estate Officer for the purpose of the said Act and further direct that the said officer shall exercise the powers conferred and the duties imposed on an Estate Officer by or under the said Act with the local limits of his jurisdiction in respect of the public premises falling under area as specified in column No. 3 of the table below:

Sl. No.	Designation and Address	Categories of public premises and local limits of jurisdiction
1	2	3
1.	Shri Kailashnath, Chief Manager, Dena Bank, HRM Department, Head Office, Dena Corporate Centre, 3rd Floor, C-10, G. Block, Bandra-Kurla Complex, Bandra (East), Mumbai-400 051 (Maharashtra)	Premises belonging to or taken on lease by or on behalf of the Bank and under the administrative control of Dena Bank in India.

[F.No. 4/1/2015-BOA]

TIRTH RAM, Under Secy.

**CORRIGENDUM**

New Delhi, the 29th July, 2015

**S.O. 1762.**—In partial modification of Government of India, Ministry of Finance, Department of Financial Services, Notification No. 6/3/2011-BO-I dated the 6th July, 2015, published in Part II Section 3(ii) of the Gazette of



India, the name of the person proposed in column 3 may be read as "Shri A. K. Misra" instead of "Shri A. K. Mishra".

[F.No. 6/3/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

कार्यालय मुख्य आयकर आयुक्त, जोधपुर

जोधपुर, 3 सितम्बर, 2015

संख्या 03/63/2015-16

**का.आ. 1763.**—आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (iv) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त जोधपुर एतद्वारा “श्री रामचन्द्र गुर्जर स्मृति जन सेवा समिति मारवाड़ जक्शन, जिला पाली मारवाड़” को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2014-15 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं:—

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती सोसाईटी द्वारा एक प्रतिबद्धता (अंडरटेकिंग) की गयी है कि संस्था का कार्य केवल शिक्षा प्रसार ही होगा व इसके अलावा संस्था कोई कार्य नहीं करेंगे। संस्था को यह सुनिश्चित करना है कि दी गई अंडरटेकिंग का उल्लंघन न हो।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवरहात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10(23ग)(vi) के साथ पठित 115खखग में परन्तु 15 शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।

7. यह अधिनियम तब तक जारी रहेगी जब तक इसे वापस न लिया जाये।

[संदर्भ सं० मु०आ०आ०/आ०अ०(तक)/जोध/2015/16/695]

राज कुमार, मुख्य आयकर आयुक्त

# OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX, JODHPUR

Jodhpur, the 3rd September, 2015

**No. 03/63/2015-16**

**S.O. 1763.**—In exercise of the powers conferred by clause (vi) of section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "Shri Ram Chandra Gurjar Smriti Jan Sewa Samiti, Marwar Junction Distt.-Pali" for the purpose of the said section for the assessment year 2014-15 onwards, subject to the following conditions:—

1. The assessee will apply its income, or accumulate for application wholly and exclusively to education purpose only. The Society shall have to adhere to its undertaking that the activities of the Society shall be confined only to educational purpose. The Institute shall do no other activity except education.
2. The assessee will invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11:
3. This order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. The assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to section 10(23C)(vi) r.w.s. 115BBC of the Act.
7. This notification will remain in force if it is withdrawn.

[Ref. No. CCIT/ITO (Tech.)/Ju/2015-16/695]

RAJ KUMAR, Chief Commissioner of Income Tax

## विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1764.**—राजनयिक और कांसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार, श्री पवन देवरानी, निजी सहायक, को 31 अगस्त, 2015 से भारत के दूतावास, बमाको (माली) में सहायक कांसुलीय अधिकारी के कर्तव्यों का पालन करने के लिये प्राधिकृत करती है।

[सं टी० 4330/01/2015 (खंड)]

प्रकाश चन्द, उप सचिव (कौंसुलर)

## MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 31st August, 2015

**S.O. 1764.**—In pursuance of clause (a) of the section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorizes Shri Pawan Devrani, PA in the Embassy of India, Bamako to perform the Consular Services an Assistant Consular Officer with effect from 31st August, 2015.

[No. T. 4330/01/2015-(Pt.)]

PRAKASH CHAND, Dy. Secy. (Consular)

## कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 26 जून, 2015

**का.आ. 1765.**—बहुराज्यीय सहकारी समितियां नियमावली, 2002 के नियम 28 के साथ पठित बहुराज्यीय सहाकारी समितियां अधिनियम, 2002 (2002 का 39) की धारा 89 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पेट्रोफिल्स कोऑपरेटिव लिमिटेड, बड़ोदरा, गुजरात के परिसमापन के उद्देश्यों से 26 जून, 2015 से परिसमापक के रूप में श्री विनय व्यासा, आई०ए०एस० (रेट.) की नियुक्ति एतद्वारा अधिसूचित की जाती है।

[सं आर-11017/15/89-एल एंड एम]

पी० संपथ, निदेशक (सहकारिता)

## MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 26th June, 2015

**S.O. 1765.**—In exercise of the powers conferred under section 89 of the Multi State Co-operative Societies Act, 2002 (39 of 2002), read with rule 28 of the Multi State Co-operative Societies Rules, 2002, the appointment of Shri Vinay Vyasa, IAS (Retd.) liquidator with effect from 26th day of June, 2015 for the purpose of winding up of the Petrofiles Cooperative Ltd., Vadodara, Gujarat is hereby notified.

[No. R-11017/15/89-L&amp;M]

P. SAMPATH, Director (Cooperation)

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 25 अगस्त, 2015

**का.आ. 1766.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 6 के उपविनिय (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है:

## अनुसूची

भारतीय मानक संख्या	भाग	अनु-भाग	वर्ष	उत्पाद	इकाई	न्यूनतम बड़े पैमाने पर	मुहरांकन शुल्क छोटे पैमाने पर	इकाई दर स्लैब 1 (रु०)	स्लैब में	शेष	प्रचालन तिथि
13258	-	-	2014	अल्प दाब द्रवणीय के लिए 5 लिटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर-उपयोग किये गये एलपीजी सिलिंडरों के पुनर्वीन और निरीक्षण की अपेक्षाएं (पहला पुनरीक्षण)	एक सिलिंडर	60,000.00	51,000.00	2.65	सभी	-	09 07 2014

[संदर्भ: सीएमडी-2/(एफसीटी)/13258]

सी० के० महेश्वरी, वै० जी० उपमहानिदेशक (प्रमाणन)

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 25th August, 2015

**S.O. 1766.**—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule:

## SCHEDULE

IS No.	Part	Sec	Year	Product	Units	Minimum	Marking Fee	Unit Rate Slab-1	Units in Slab-1	Rema- ining	Effective Date
						Large Scale	Small Scale				
13258	-	-	2014	Welded Low Carbon Steel Cylinders Exceeding 5 Litre Water Capacity for Low Pressure Liquefiable Gas-Requirements for Inspection and reconditioning of Used LPG Cylinders	One Cylind- der	60,000.00	51,000.00	2.65	All	-	09 07 2014

[Ref. CMD-II (FCT)/16:13258]

C.K. MAHESHWARI, Sc. G DDG (Certification)

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 23 जुलाई, 2015

**का.आ. 1767.**—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लेखित तारीखों की अधिसूचना संख्या का० आ० द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में अपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में जो सभी

विल्लंगमों से मुक्त है, उपयोग का अधिसूचनाओं से संलग्न का अधिकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में, निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को यह रिपोर्ट दी है की छत्तीसगढ़ राज्य में पारादीप-रायपुर-राँची पाइपलाइन परियोजना का पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जा चुकी है। अतः उस भूमि में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया जाता है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

## अनुसूची

तहसील: सरायपाली			जिला: महासमुंद		राज्य: छत्तीसगढ़	
क्र०सं०	का०आ० नं० एवं दिनांक	गांव का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1	149(अ) 24.01.2011	नं० 1 रेंहटीखोल	सरायपाली	महासमुंद	छत्तीसगढ़	15.06.2013
		नं० 2 मुरमुरी	सरायपाली	महासमुंद	छत्तीसगढ़	13.06.2013
		नं० 3 चिवराकुंटा	सरायपाली	महासमुंद	छत्तीसगढ़	20.12.2014
		नं० 4 गनियारीपाली	सरायपाली	महासमुंद	छत्तीसगढ़	12.06.2013
		नं० 5 सिंघोडा	सरायपाली	महासमुंद	छत्तीसगढ़	10.06.2013
		नं० 6 सागरपाली	सरायपाली	महासमुंद	छत्तीसगढ़	08.06.2013

1	2	3	4	5	6	7
		नं० 7 पलसाभाडी	सरायपाली	महासमुंद	छत्तीसगढ़	08.06.2013
		नं० 8 खरखडी	सरायपाली	महासमुंद	छत्तीसगढ़	08.06.2013
		नं० 9 लखनपुर	सरायपाली	महासमुंद	छत्तीसगढ़	05.06.2013
		नं० 10 बटकी	सरायपाली	महासमुंद	छत्तीसगढ़	03.06.2013
		नं० 11 रुढा	सरायपाली	महासमुंद	छत्तीसगढ़	01.06.2013
		नं० 12 आकाशखार	सरायपाली	महासमुंद	छत्तीसगढ़	28.05.2013
		नं० 13 खम्हारपाली	सरायपाली	महासमुंद	छत्तीसगढ़	25.05.2013
		नं० 14 छिंदपाली	सरायपाली	महासमुंद	छत्तीसगढ़	24.05.2013
		नं० 15 चट्टीगिरोला	सरायपाली	महासमुंद	छत्तीसगढ़	22.05.2013
		नं० 16 बोदानवापाली	सरायपाली	महासमुंद	छत्तीसगढ़	20.05.2013
		नं० 17 दर्राभाठा	सरायपाली	महासमुंद	छत्तीसगढ़	18.05.2013
		नं० 18 वैदपाली	सरायपाली	महासमुंद	छत्तीसगढ़	16.05.2013
		नं० 19 बालसी	सरायपाली	महासमुंद	छत्तीसगढ़	14.05.2013
		नं० 20 बरिहापाली	सरायपाली	महासमुंद	छत्तीसगढ़	11.05.2013
		नं० 21 लुकापारा	सरायपाली	महासमुंद	छत्तीसगढ़	09.05.2013
		नं० 22 परसदा	सरायपाली	महासमुंद	छत्तीसगढ़	07.05.2013
2	150 (अ) 24.01.2011	नं० 1 बालसी	सरायपाली	महासमुंद	छत्तीसगढ़	14.05.2013
		नं० 2 बरिहापाली	सरायपाली	महासमुंद	छत्तीसगढ़	11.05.2013
		नं० 3 मोखापुटका	सरायपाली	महासमुंद	छत्तीसगढ़	04.05.2013
		नं० 4 कनकेवा	सरायपाली	महासमुंद	छत्तीसगढ़	02.05.2013
3	1656 (अ) 18.07.2011	नं० 1 रूढा	सरायपाली	महासमुंद	छत्तीसगढ़	01.06.2013
		नं० 2 बालसी	सरायपाली	महासमुंद	छत्तीसगढ़	11.05.2013
4	2143 (अ) 19.08.2014	नं० 1 मोखापुटका	सरायपाली	महासमुंद	छत्तीसगढ़	04.05.2013
5	2992 (अ) 24.11.2014	नं० 1 बालसी	सरायपाली	महासमुंद	छत्तीसगढ़	11.05.2013
		नं० 2 बैदपाली	सरायपाली	महासमुंद	छत्तीसगढ़	16.05.2013
		नं० 3 दर्राभाठा	सरायपाली	महासमुंद	छत्तीसगढ़	18.05.2013
		नं० 4 बोदानवापाली	सरायपाली	महासमुंद	छत्तीसगढ़	20.05.2013
		नं० 5 चट्टीगिरोला	सरायपाली	महासमुंद	छत्तीसगढ़	22.05.2013
		नं० 6 छिंदपाली	सरायपाली	महासमुंद	छत्तीसगढ़	24.05.2013
		नं० 7 रूढा	सरायपाली	महासमुंद	छत्तीसगढ़	01.06.2013
		नं० 8 लखनपुर	सरायपाली	महासमुंद	छत्तीसगढ़	05.06.2013
		नं० 9 खरखरी	सरायपाली	महासमुंद	छत्तीसगढ़	08.06.2013
		नं० 10 पलसाभाडी	सरायपाली	महासमुंद	छत्तीसगढ़	08.06.2013
		नं० 11 सिंघोडा	सरायपाली	महासमुंद	छत्तीसगढ़	10.06.2013
		नं० 12 गनियारीपाली	सरायपाली	महासमुंद	छत्तीसगढ़	12.06.2013
		नं० 13 चिवराकुंटु	सरायपाली	महासमुंद	छत्तीसगढ़	20.12.2014
		नं० 14 घाटकछार	सरायपाली	महासमुंद	छत्तीसगढ़	12.06.2013
		नं० 15 मुरमुरी	सरायपाली	महासमुंद	छत्तीसगढ़	13.06.2013
1	153 (अ), 24.01.2011	नं० 1 सिंघनपुर	बसना	महासमुंद	छत्तीसगढ़	10.10.2012
		नं० 2 गौरटेक	बसना	महासमुंद	छत्तीसगढ़	06.06.2013
		नं० 3 बोहारपार	बसना	महासमुंद	छत्तीसगढ़	04.10.2012
		नं० 4 संकरी	बसना	महासमुंद	छत्तीसगढ़	12.10.2012

1	2	3	4	5	6	7
		नं० 5 जगत	बसना	महासमुंद	छत्तीसगढ़	13.10.2012
		नं० 6 जोगीपाली	बसना	महासमुंद	छत्तीसगढ़	14.10.2012
		नं० 7 पौसरा	बसना	महासमुंद	छत्तीसगढ़	14.10.2012
		नं० 8 पठियापाली	बसना	महासमुंद	छत्तीसगढ़	07.12.2013
		नं० 9 जलकोट	बसना	महासमुंद	छत्तीसगढ़	15.10.2012
		नं० 10 हबेकांटा	बसना	महासमुंद	छत्तीसगढ़	22.05.2013
		नं० 11 बिटांगीपाली	बसना	महासमुंद	छत्तीसगढ़	20.05.2013
		नं० 12 पदरडीह	बसना	महासमुंद	छत्तीसगढ़	04.06.2013
		नं० 13 बरगांव	बसना	महासमुंद	छत्तीसगढ़	18.10.2012
		नं० 14 खटखटी	बसना	महासमुंद	छत्तीसगढ़	02.06.2013
		नं० 15 खेमडा	बसना	महासमुंद	छत्तीसगढ़	19.10.2012
		नं० 16 जीराडबरी	बसना	महासमुंद	छत्तीसगढ़	21.10.2012
2	219(अ), 31.01.2011	नं० 1 कोलियारीडीह	बसना	महासमुंद	छत्तीसगढ़	22.10.2012
		नं० 2 मेढापाली	बसना	महासमुंद	छत्तीसगढ़	23.10.2012
		नं० 3 पिलवापाली	बसना	महासमुंद	छत्तीसगढ़	24.10.2012
		नं० 4 संतपाली	बसना	महासमुंद	छत्तीसगढ़	25.10.2012
		नं० 5 पलसाभाडी	बसना	महासमुंद	छत्तीसगढ़	26.10.2012
		नं० 6 खोगसा	बसना	महासमुंद	छत्तीसगढ़	27.10.2012
		नं० 7 कुसमुर	बसना	महासमुंद	छत्तीसगढ़	28.10.2012
		नं० 8 घुटीकोना	बसना	महासमुंद	छत्तीसगढ़	29.10.2012
		नं० 9 सागुनडीह	बसना	महासमुंद	छत्तीसगढ़	30.10.2012
		नं० 10 करनापाली	बसना	महासमुंद	छत्तीसगढ़	31.10.2012
		नं० 11 भँवरचुवा	बसना	महासमुंद	छत्तीसगढ़	01.11.2012
		नं० 12 भँवरचुवा (टु.)	बसना	महासमुंद	छत्तीसगढ़	02.11.2013
		नं० 13 छातापठार	बसना	महासमुंद	छत्तीसगढ़	07.06.2013
		नं० 14 हरदा	बसना	महासमुंद	छत्तीसगढ़	08.06.2013
		नं० 15 बडेसाजापाली	बसना	महासमुंद	छत्तीसगढ़	10.06.2013
		नं० 16 बुन्देलाभांठा	बसना	महासमुंद	छत्तीसगढ़	11.06.2013
		नं० 17 लोहारपाली	बसना	महासमुंद	छत्तीसगढ़	12.06.2013
3	1657(अ), 18.07.2011	नं० 1 खेमडा	बसना	महासमुंद	छत्तीसगढ़	19.10.2012
		नं० 2 कुसमुर	बसना	महासमुंद	छत्तीसगढ़	28.10.2012
		नं० 3 खटखटी	बसना	महासमुंद	छत्तीसगढ़	02.06.2013
		नं० 4 छातापठार	बसना	महासमुंद	छत्तीसगढ़	07.06.2013
4	753,26.03.2013	नं० 1 लोहारपाली	बसना	महासमुंद	छत्तीसगढ़	12.06.2013
		नं० 2 मेढापाली	बसना	महासमुंद	छत्तीसगढ़	23.10.2012
5	2124(अ), 08.08.2014	नं० 1 मेढापाली	बसना	महासमुंद	छत्तीसगढ़	23.10.2012
		नं० 2 पिलवापाली	बसना	महासमुंद	छत्तीसगढ़	24.10.2012
		नं० 3 खोगसा	बसना	महासमुंद	छत्तीसगढ़	27.10.2012
		नं० 4 घुटीकोना	बसना	महासमुंद	छत्तीसगढ़	29.10.2012
		नं० 5 भँवरचुवा (टु.)	बसना	महासमुंद	छत्तीसगढ़	02.11.2012
		नं० 6 बुन्देलभांठा	बसना	महासमुंद	छत्तीसगढ़	11.06.2013
		नं० 7 गौरटेक	बसना	महासमुंद	छत्तीसगढ़	06.06.2013
		नं० 8 हबेकांटा	बसना	महासमुंद	छत्तीसगढ़	22.05.2013
		नं० 9 खटखटी	बसना	महासमुंद	छत्तीसगढ़	02.06.2013



1	2	3	4	5	6	7
तहसील: पिथोरा			जिला: महासमुंद		राज्य: छत्तीसगढ़	
1.	151 (अ), 24.01.2011	नं० 1 रेमडा	पिथोरा	महासमुंद	छत्तीसगढ़	22.10.2012
		नं० 2 रेमडा टुकडा	पिथोरा	महासमुंद	छत्तीसगढ़	25.10.2012
		नं० 3 तिलंजनपुर	पिथोरा	महासमुंद	छत्तीसगढ़	21.01.2013
		नं० 4 ढाबाखार	पिथोरा	महासमुंद	छत्तीसगढ़	19.01.2013
		नं० 5 सावित्रीपुर	पिथोरा	महासमुंद	छत्तीसगढ़	18.01.2013
		नं० 6 विजेमाल	पिथोरा	महासमुंद	छत्तीसगढ़	12.01.2013
		नं० 7 बडे टेमरी ( भेंसानाला )	पिथोरा	महासमुंद	छत्तीसगढ़	01.11.2012
		नं० 8 बडे टेमरी पुराना टुकडा	पिथोरा	महासमुंद	छत्तीसगढ़	01.10.2012
		नं० 9 बडे टेमरी	पिथोरा	महासमुंद	छत्तीसगढ़	02.11.2012
		नं० 10 सान टेमरी	पिथोरा	महासमुंद	छत्तीसगढ़	02.01.2013
		नं० 11 देवसराल	पिथोरा	महासमुंद	छत्तीसगढ़	27.12.2012
		नं० 12 कुरमाडीह	पिथोरा	महासमुंद	छत्तीसगढ़	19.12.2012
		नं० 13 पाटनदादर	पिथोरा	महासमुंद	छत्तीसगढ़	28.01.2013
		नं० 14 खेरखुटा	पिथोरा	महासमुंद	छत्तीसगढ़	04.02.2013
		नं० 15 गोपालपुर	पिथोरा	महासमुंद	छत्तीसगढ़	10.02.2013
		नं० 16 किशनपुर	पिथोरा	महासमुंद	छत्तीसगढ़	07.02.2013
		नं० 17 लक्ष्मीपुर	पिथोरा	महासमुंद	छत्तीसगढ़	10.02.2013
		नं० 18 जंगल प्लाट	पिथोरा	महासमुंद	छत्तीसगढ़	19.03.2013
		नं० 19 अठारागुडी	पिथोरा	महासमुंद	छत्तीसगढ़	18.02.2013
		नं० 20 सरकडा	पिथोरा	महासमुंद	छत्तीसगढ़	23.02.2013
		नं० 21 लहरौद	पिथोरा	महासमुंद	छत्तीसगढ़	19.03.2013
		नं० 22 मुढीपार	पिथोरा	महासमुंद	छत्तीसगढ़	19.03.2013
2.	754, 26.03.2013	नं० 1 खैरखुटा	पिथौरा	महासमुंद	छत्तीसगढ़	04.02.2013
		नं० 2 गोपालपुर	पिथौरा	महासमुंद	छत्तीसगढ़	10.02.2013
3.	1054(अ), 28.03.2014	नं० 1 रेमडा	पिथौरा	महासमुंद	छत्तीसगढ़	22.10.2012
		नं० 2 तिलंजनपुर	पिथौरा	महासमुंद	छत्तीसगढ़	21.01.2013
		नं० 3 सावित्रीपुर	पिथौरा	महासमुंद	छत्तीसगढ़	18.01.2013
		नं० 4 अठारागुडी	पिथौरा	महासमुंद	छत्तीसगढ़	18.02.2013
		नं० 5 सरकडा	पिथौरा	महासमुंद	छत्तीसगढ़	23.02.2013
तहसील: महासमुंद			जिला: महासमुंद		राज्य: छत्तीसगढ़	
1.	220(अ), 31.01.2011	नं० 1 सिधुपाली	महासमुंद	महासमुंद	छत्तीसगढ़	22.03.2013
		नं० 2 डुमरपाली	महासमुंद	महासमुंद	छत्तीसगढ़	05.04.2013
		नं० 3 ढांक	महासमुंद	महासमुंद	छत्तीसगढ़	10.04.2013
		नं० 4 तेलीबांधा	महासमुंद	महासमुंद	छत्तीसगढ़	10.04.2013
		नं० 5 झलप	महासमुंद	महासमुंद	छत्तीसगढ़	10.04.2013
		नं० 6 टुरीडीह	महासमुंद	महासमुंद	छत्तीसगढ़	15.04.2013
		नं० 7 गोंगल	महासमुंद	महासमुंद	छत्तीसगढ़	15.04.2013
		नं० 8 छिन्दोली	महासमुंद	महासमुंद	छत्तीसगढ़	17.04.2013
		नं० 9 सिंधोरी	महासमुंद	महासमुंद	छत्तीसगढ़	19.04.2013
		नं० 10 फुलवारी	महासमुंद	महासमुंद	छत्तीसगढ़	19.04.2013
		नं० 11 चिरको	महासमुंद	महासमुंद	छत्तीसगढ़	25.04.2013

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		नं० 12 सालिहाभाठा	महासमुंद	महासमुंद	छत्तीसगढ़	26.04.2013
		नं० 13 तोरला	महासमुंद	महासमुंद	छत्तीसगढ़	26.04.2013
		नं० 14 पटेवा	महासमुंद	महासमुंद	छत्तीसगढ़	27.04.2013
		नं० 15 बोडरा	महासमुंद	महासमुंद	छत्तीसगढ़	30.04.2013
		नं० 16 नवागांव	महासमुंद	महासमुंद	छत्तीसगढ़	01.05.2013
		नं० 17 जलकी	महासमुंद	महासमुंद	छत्तीसगढ़	05.05.2013
		नं० 18 बांसकुडा	महासमुंद	महासमुंद	छत्तीसगढ़	10.05.2013
		नं० 19 बिरबीरा	महासमुंद	महासमुंद	छत्तीसगढ़	10.05.2013
		नं० 20 पिरदा	महासमुंद	महासमुंद	छत्तीसगढ़	09.04.2013
		नं० 21 मालीडीह	महासमुंद	महासमुंद	छत्तीसगढ़	11.04.2013
		नं० 22 खैरझिटी	महासमुंद	महासमुंद	छत्तीसगढ़	18.04.2013
		नं० 23 बेंद्रिडीह	महासमुंद	महासमुंद	छत्तीसगढ़	06.01.2013
		नं० 24 भोरिंग	महासमुंद	महासमुंद	छत्तीसगढ़	24.04.2013
		नं० 25 तुमगांव	महासमुंद	महासमुंद	छत्तीसगढ़	06.05.2013
		नं० 26 अमावस	महासमुंद	महासमुंद	छत्तीसगढ़	06.05.2013
		नं० 27 गोपालपुर	महासमुंद	महासमुंद	छत्तीसगढ़	23.04.2013
		नं० 28 मुसकी	महासमुंद	महासमुंद	छत्तीसगढ़	16.06.2013
		नं० 29 कांपा	महासमुंद	महासमुंद	छत्तीसगढ़	18.06.2013
		नं० 30 परसवानी	महासमुंद	महासमुंद	छत्तीसगढ़	09.07.2013
		नं० 31 बेलसोडा	महासमुंद	महासमुंद	छत्तीसगढ़	09.07.2013
		नं० 32 नांदगांव	महासमुंद	महासमुंद	छत्तीसगढ़	27.08.2013
		नं० 33 मुडेना महासमुंद	महासमुंद	महासमुंद	छत्तीसगढ़	23.06.2013
2.	1646(अ) 18.07.2011	नं० 1 बांसकुडा	महासमुंद	महासमुंद	छत्तीसगढ़	10.05.2013
		नं० 2 बिरबीरा	महासमुंद	महासमुंद	छत्तीसगढ़	10.05.2013
		नं० 3 नांदगांव	महासमुंद	महासमुंद	छत्तीसगढ़	27.08.2013
		नं० 4 बोडरा	महासमुंद	महासमुंद	छत्तीसगढ़	30.04.2013
		नं० 5 पतईमाता	महासमुंद	महासमुंद	छत्तीसगढ़	20.04.2013
		नं० 6 मुगईमाता	महासमुंद	महासमुंद	छत्तीसगढ़	20.04.2013
3.	756, 26.03.2013	नं० 1 फुलवारी	महासमुंद	महासमुंद	छत्तीसगढ़	19.04.2013
		नं० 2 पिरदा	महासमुंद	महासमुंद	छत्तीसगढ़	09.04.2013
4.	2030 (अ), 07.08.2014	नं० 1 तुमगांव	महासमुंद	महासमुंद	छत्तीसगढ़	06.05.2013
		नं० 2 खैरझिटी	महासमुंद	महासमुंद	छत्तीसगढ़	18.04.2013
		नं० 3 सिधोरी	महासमुंद	महासमुंद	छत्तीसगढ़	10.05.2013
		नं० 4 नांदगांव	महासमुंद	महासमुंद	छत्तीसगढ़	27.08.2013
		नं० 5 बिरबिरा	महासमुंद	महासमुंद	छत्तीसगढ़	09.04.2013
		नं० 6 छिन्दोली	महासमुंद	महासमुंद	छत्तीसगढ़	17.04.2013
		नं० 7 डूमरपाली	महासमुंद	महासमुंद	छत्तीसगढ़	05.04.2013
		नं० 8 परसवानी	महासमुंद	महासमुंद	छत्तीसगढ़	09.07.2013
		नं० 9 बेलसोंडा	महासमुंद	महासमुंद	छत्तीसगढ़	09.07.2013
		नं० 10 पिरदा	महासमुंद	महासमुंद	छत्तीसगढ़	09.04.2013
तहसील: आरंग			जिला: रायपुर		राज्य: छत्तीसगढ़	
1.	152(अ), 24.01.2011	नं० 1 गोईन्दा	आरंग	रायपुर	छत्तीसगढ़	26.06.2013
		नं० 2 निसदा	आरंग	रायपुर	छत्तीसगढ़	26.06.2013

1	2	3	4	5	6	7
		नं० 3 अकोली कला	आरंग	रायपुर	छत्तीसगढ़	23.06.2013
		नं० 4 अकोली खुर्द	आरंग	रायपुर	छत्तीसगढ़	19.06.2013
		नं० 5 भिलाई	आरंग	रायपुर	छत्तीसगढ़	17.06.2013
		नं० 6 बोरीद	आरंग	रायपुर	छत्तीसगढ़	11.06.2013
		नं० 7 देवदा	आरंग	रायपुर	छत्तीसगढ़	05.06.2013
		नं० 8 लखोली	आरंग	रायपुर	छत्तीसगढ़	28.05.2013
2.	1655(अ), 18.07.2011	नं० 1 लखोली	आरंग	रायपुर	छत्तीसगढ़	28.05.2013
		नं० 2 देवदा	आरंग	रायपुर	छत्तीसगढ़	05.06.2013
3.	608, 11.03.2013	नं० 1 गोईन्दा	आरंग	रायपुर	छत्तीसगढ़	26.06.2013
4.	3287(अ), 23.12.2014	नं० 1 अकोली कला	आरंग	रायपुर	छत्तीसगढ़	23.06.2013
		नं० 2 भिलाई	आरंग	रायपुर	छत्तीसगढ़	17.06.2013
		नं० 3 बोरीद	आरंग	रायपुर	छत्तीसगढ़	11.06.2013
		नं० 4 देवदा	आरंग	रायपुर	छत्तीसगढ़	05.06.2013
		नं० 5 लखोली	आरंग	रायपुर	छत्तीसगढ़	28.05.2013

[सं० आर-25011/3/2015-ओ आर-1]

पवन कुमार, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 23rd July, 2015

**S.O. 1767.**— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. Number and dated as mentioned in the Schedule below issued under sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands, specified in the schedule appended to those notifications.

And whereas, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And Whereas, the Competent Authority has made a report to the Central Government that the laying of pipeline for the purpose of transportation, of petroleum products under Paradip-Raipur-Ranchi Pipeline Project completed in the State of Chhattisgarh, therefore operation in ROW(Right of Way) land and has been closed description of which in brief is specified in the Schedule annexed to notification;

Now therefore, as required under explanation-1 of rule 4 of the Petroleum and Minerals Pipelines (Acquired of Right of User in Land) Rules 1963, the Central Government hereby declares the dates mentioned in Column 7 of the said schedule as the dates of termination of operation.

**SCHEDULE**

Thesil: Saraipali		District: Mahasamund			State: Chhattisgarh	
Sl. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
1	2	3	4	5	6	7
1.	149(E) 24.01.2011	No. 1 Rehatikhola	Saraipali	Mahasamund	Chhattisgarh	15.06.2013
		No. 2 Murmuri	Saraipali	Mahasamund	Chhattisgarh	13.06.2013
		No. 3 Chiwarkut	Saraipali	Mahasamund	Chhattisgarh	20.12.2014
		No. 4 Ganiyaripali	Saraipali	Mahasamund	Chhattisgarh	12.06.2013

1	2	3	4	5	6	7
		No. 5 Singhoda	Saraipali	Mahasamund	Chhatisgarh	10.06.2013
		No. 6 Sagapali	Saraipali	Mahasamund	Chhatisgarh	08.06.2013
		No. 7 Palsabhadi	Saraipali	Mahasamund	Chhatisgarh	08.06.2013
		No. 8 Kharkhari	Saraipali	Mahasamund	Chhatisgarh	08.06.2013
		No. 9 Lakhanpur	Saraipali	Mahasamund	Chhatisgarh	05.06.2013
		No. 10 Batki	Saraipali	Mahasamund	Chhatisgarh	03.06.2013
		No. 11 Ruda	Saraipali	Mahasamund	Chhatisgarh	01.06.2013
		No. 12 Akashkhara	Saraipali	Mahasamund	Chhatisgarh	28.05.2013
		No. 13 Khamharpali	Saraipali	Mahasamund	Chhatisgarh	25.05.2013
		No. 14 Chhindpali	Saraipali	Mahasamund	Chhatisgarh	24.05.2013
		No. 15 Chattigirola	Saraipali	Mahasamund	Chhatisgarh	22.05.2013
		No. 16 Bondanavapali	Saraipali	Mahasamund	Chhatisgarh	20.05.2013
		No. 17 Darrabhata	Saraipali	Mahasamund	Chhatisgarh	18.05.2013
		No. 18 Baidpali	Saraipali	Mahasamund	Chhatisgarh	16.05.2013
		No. 19 Balsi	Saraipali	Mahasamund	Chhatisgarh	14.05.2013
		No. 20 Bahepali	Saraipali	Mahasamund	Chhatisgarh	11.05.2013
		No. 21 Lukapara	Saraipali	Mahasamund	Chhatisgarh	09.05.2013
		No. 22 Parsada	Saraipali	Mahasamund	Chhatisgarh	07.05.2013
2.	150(E) 24.01.2011	No. 1 Balsi	Saraipali	Mahasamund	Chhatisgarh	14.05.2013
		No. 2 Barihapali	Saraipali	Mahasamund	Chhatisgarh	11.05.2013
		No. 3 Mokhaputka	Saraipali	Mahasamund	Chhatisgarh	04.05.2013
		No. 4 Kankewa	Saraipali	Mahasamund	Chhatisgarh	02.05.2013
3.	1656(E) 18.07.2011	No. 1 Ruda	Saraipali	Mahasamund	Chhatisgarh	01.06.2013
		No. 2 Balsi	Saraipali	Mahasamund	Chhatisgarh	11.05.2013
4.	2143(E) 19.08.2014	No. 1 Mokhaputka	Saraipali	Mahasamund	Chhatisgarh	04.05.2013
5.	2992(E) 24.11.2014	No. 1 Balsi	Saraipali	Mahasamund	Chhatisgarh	11.05.2013
		No. 2 Baidpali	Saraipali	Mahasamund	Chhatisgarh	16.05.2013
		No. 3 Darbhata	Saraipali	Mahasamund	Chhatisgarh	18.05.2013
		No. 4 Bodanavapali	Saraipali	Mahasamund	Chhatisgarh	20.05.2013
		No. 5 Chattigirola	Saraipali	Mahasamund	Chhatisgarh	22.05.2013
		No. 6 Chhindpali	Saraipali	Mahasamund	Chhatisgarh	24.05.2013
		No. 7 Ruda	Saraipali	Mahasamund	Chhatisgarh	01.06.2013
		No. 8 Lakhanpur	Saraipali	Mahasamund	Chhatisgarh	05.06.2013
		No. 9 Kharkhari	Saraipali	Mahasamund	Chhatisgarh	08.06.2013
		No. 10 Palasabhadi	Saraipali	Mahasamund	Chhatisgarh	08.06.2013
		No. 11 Singhoda	Saraipali	Mahasamund	Chhatisgarh	10.06.2013
		No. 12 Ganiyaripali	Saraipali	Mahasamund	Chhatisgarh	12.06.2013
		No. 13 Chiwarakuta	Saraipali	Mahasamund	Chhatisgarh	20.12.2014
		No. 14 Ghhatkachhar	Saraipali	Mahasamund	Chhatisgarh	12.06.2013
		No. 15 Murmuri	Saraipali	Mahasamund	Chhatisgarh	13.06.2013
Thesil: Basna		District: Mahasamund			State: Chhattisgarh	
1.	153(E), 24.01.2011	No. 1 Singhanpur	Basna	Mahasamund	Chhatisgarh	10.10.2012
		No. 2 Gaurtak	Basna	Mahasamund	Chhatisgarh	06.06.2013
		No. 3 Boharpar	Basna	Mahasamund	Chhatisgarh	04.10.2012
		No. 4 Sankri	Basna	Mahasamund	Chhatisgarh	12.10.2012
		No. 5 Jagat	Basna	Mahasamund	Chhatisgarh	13.10.2012
		No. 6 Jogipali	Basna	Mahasamund	Chhatisgarh	14.10.2012
		No. 7 Pounsara	Basna	Mahasamund	Chhatisgarh	14.10.2012
		No. 8 Pathiyapali	Basna	Mahasamund	Chhatisgarh	07.12.2013
		No. 9 Jalkot	Basna	Mahasamund	Chhatisgarh	15.10.2012
		No. 10 Habekanta	Basna	Mahasamund	Chhatisgarh	22.05.2013

1	2	3	4	5	6	7
		No. 11 Bitangipali	Basna	Mahasamund	Chhatisgarh	20.05.2013
		No. 12 Padardih	Basna	Mahasamund	Chhatisgarh	04.06.2013
		No. 13 Bargaon	Basna	Mahasamund	Chhatisgarh	18.10.2012
		No. 14 Khatkhathi	Basna	Mahasamund	Chhatisgarh	02.06.2013
		No. 15 Khemda	Basna	Mahasamund	Chhatisgarh	19.10.2012
		No. 16 Jeeradabri	Basna	Mahasamund	Chhatisgarh	21.10.2012
2.	219(E), 31.01.2011	No. 1 Koliyaridih	Basna	Mahasamund	Chhatisgarh	22.10.2012
		No. 2 Medhapali	Basna	Mahasamund	Chhatisgarh	23.10.2012
		No. 3 Pilwapali	Basna	Mahasamund	Chhatisgarh	24.10.2012
		No. 4 Santpali	Basna	Mahasamund	Chhatisgarh	25.10.2012
		No. 5 Palsabhadi	Basna	Mahasamund	Chhatisgarh	26.10.2012
		No. 6 Khogasa	Basna	Mahasamund	Chhatisgarh	27.10.2012
		No. 7 Kusmur	Basna	Mahasamund	Chhatisgarh	28.10.2012
		No. 8 Ghutikona	Basna	Mahasamund	Chhatisgarh	29.10.2012
		No. 9 Sagundih	Basna	Mahasamund	Chhatisgarh	30.10.2012
		No. 10 Karnapali	Basna	Mahasamund	Chhatisgarh	31.10.2012
		No. 11 Bhawarchuwa	Basna	Mahasamund	Chhatisgarh	01.11.2012
		No. 12 Bhawarchuwa (Part)	Basna	Mahasamund	Chhatisgarh	02.11.2012
		No. 13 Chhatapathar	Basna	Mahasamund	Chhatisgarh	07.06.2013
		No. 14 Harda	Basna	Mahasamund	Chhatisgarh	08.06.2013
		No. 15 Badesajapali	Basna	Mahasamund	Chhatisgarh	10.06.2013
		No. 16 Bundelabhantha	Basna	Mahasamund	Chhatisgarh	11.06.2013
		No. 17 Loharpali	Basna	Mahasamund	Chhatisgarh	12.06.2013
3.	1657(E), 18.07.2011	No. 1 Khedma	Basna	Mahasamund	Chhatisgarh	19.10.2012
		No. 2 Kusmur	Basna	Mahasamund	Chhatisgarh	28.10.2012
		No. 3 Khatkhathi	Basna	Mahasamund	Chhatisgarh	02.06.2013
		No. 4 Chhatapathar	Basna	Mahasamund	Chhatisgarh	07.06.2013
4.	753, 26.03.2013	No. 1 Loharpali	Basna	Mahasamund	Chhatisgarh	12.06.2013
		No. 2 Medhapali	Basna	Mahasamund	Chhatisgarh	23.10.2012
5.	2124(E), 08.08.2014	No. 1 Medhapali	Basna	Mahasamund	Chhatisgarh	23.10.2012
		No. 2 Pilwapali	Basna	Mahasamund	Chhatisgarh	24.10.2012
		No. 3 Khogsa	Basna	Mahasamund	Chhatisgarh	27.10.2012
		No. 4 Ghutikona	Basna	Mahasamund	Chhatisgarh	29.10.2012
		No. 5 Bhawarchuwa (Part)	Basna	Mahasamund	Chhatisgarh	02.11.2012
		No. 6 Bundelabhantha	Basna	Mahasamund	Chhatisgarh	11.06.2013
		No. 7 Gaurtak	Basna	Mahasamund	Chhatisgarh	06.06.2013
		No. 8 Hawekanta	Basna	Mahasamund	Chhatisgarh	22.05.2013
		No. 9 Khatkhathi	Basna	Mahasamund	Chhatisgarh	02.06.2013
Thesil: Pithora		District: Mahasamund			State: Chhattisgarh	
1.	151(E), 24.01.2011	No.1 Remda	Pithora	Mahasamund	Chhatisgarh	22.10.2012
		No. 2 Remda Tukha	Pithora	Mahasamund	Chhattisgarh	25.10.2012
		No. 3 Tilanjanpur	Pithora	Mahasamund	Chhattisgarh	21.01.2013
		No. 4 Dhabakhar	Pithora	Mahasamund	Chhattisgarh	19.01.2013
		No. 5 Sawatripur	Pithora	Mahasamund	Chhattisgarh	18.01.2013
		No. 6 Vijyamaal	Pithora	Mahasamund	Chhattisgarh	12.01.2013
		No. 7 Badetemri (Bhensanala)	Pithora	Mahasamund	Chhattisgarh	01.11.2012
		No. 8 Badetemri (Purana Tukda)	Pithora	Mahasamund	Chhattisgarh	01.10.2012



1	2	3	4	5	6	7
		No.9 Badetemri	Pithora	Mahasamund	Chhattisgarh	02.11.2012
		No. 10 Santemri	Pithora	Mahasamund	Chhattisgarh	02.01.2013
		No. 11 Deosaral	Pithora	Mahasamund	Chhattisgarh	27.12.2012
		No. 12 Kurmadih	Pithora	Mahasamund	Chhattisgarh	19.12.2012
		No. 13 Patandadar	Pithora	Mahasamund	Chhattisgarh	28.01.2013
		No. 14 Khairkhuta	Pithora	Mahasamund	Chhattisgarh	04.02.2013
		No. 15 Gopalpur	Pithora	Mahasamund	Chhattisgarh	10.02.2013
		No. 16 Kishanpur	Pithora	Mahasamund	Chhattisgarh	07.02.2013
		No. 17 Laxmipur	Pithora	Mahasamund	Chhattisgarh	10.02.2013
		No. 18 Jangalplat	Pithora	Mahasamund	Chhattisgarh	19.03.2013
		No. 19 Atharagudi	Pithora	Mahasamund	Chhattisgarh	18.02.2013
		No. 20 Sankarta	Pithora	Mahasamund	Chhattisgarh	23.02.2013
		No. 21 Lahraud	Pithora	Mahasamund	Chhattisgarh	19.03.2013
		No.22 Mudhipar (Mudipar)	Pithora	Mahasamund	Chhattisgarh	19.03.2013
2.	754, 26.03.2013	No. 1 Khairkhuta	Pithora	Mahasamund	Chhattisgarh	04.02.2013
		No. 2 Gopalpur	Pithora	Mahasamund	Chhattisgarh	10.02.2013
3.	1054(E), 28.03.2014	No. 1 Remda	Pithora	Mahasamund	Chhattisgarh	22.10.2012
		No. 2 Tilanjanpur	Pithora	Mahasamund	Chhattisgarh	21.01.2013
		No. 3 Sawitripur	Pithora	Mahasamund	Chhattisgarh	18.01.2013
		No. 4 Atgaragudi	Pithora	Mahasamund	Chhattisgarh	18.02.2013
		No. 5 Sankara	Pithora	Mahasamund	Chhattisgarh	23.02.2013
Thesil: Mahasamund		District: Mahasamund			State: Chhattisgarh	
1.	220(E), 31.01.2011	No. 1 Sindhupali	Mahasamund	Mahasamund	Chhattisgarh	22.03.2013
		No. 2 Dumerpali	Mahasamund	Mahasamund	Chhattisgarh	05.04.2013
		No. 3 Dhank	Mahasamund	Mahasamund	Chhattisgarh	10.04.2013
		No. 4 Telibandha	Mahasamund	Mahasamund	Chhattisgarh	10.04.2013
		No. 5 Jhalap	Mahasamund	Mahasamund	Chhattisgarh	10.04.2013
		No. 6 Turidih	Mahasamund	Mahasamund	Chhattisgarh	15.04.2013
		No. 7 Gongal	Mahasamund	Mahasamund	Chhattisgarh	15.04.2013
		No. 8 Chhindoli	Mahasamund	Mahasamund	Chhattisgarh	17.04.2013
		No. 9 Singhori	Mahasamund	Mahasamund	Chhattisgarh	19.04.2013
		No. 10 Phulwari	Mahasamund	Mahasamund	Chhattisgarh	19.04.2013
		No. 11 Chirko	Mahasamund	Mahasamund	Chhattisgarh	25.04.2013
		No. 12 Salihabhanta	Mahasamund	Mahasamund	Chhattisgarh	26.04.2013
		No. 13 Torla	Mahasamund	Mahasamund	Chhattisgarh	26.04.2013
		No.14 Patewa	Mahasamund	Mahasamund	Chhattisgarh	27.04.2013
		No. 15 Bodra	Mahasamund	Mahasamund	Chhattisgarh	30.04.2013
		No. 16 Navagaon	Mahasamund	Mahasamund	Chhattisgarh	01.05.2013
		No. 17 Jalki	Mahasamund	Mahasamund	Chhattisgarh	05.05.2013
		No. 18 Banskuda	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 19 Birbira	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 20 Pirda	Mahasamund	Mahasamund	Chhattisgarh	09.04.2013
		No. 21 Malidih	Mahasamund	Mahasamund	Chhattisgarh	11.04.2013
		No. 22 Kherjhiti	Mahasamund	Mahasamund	Chhattisgarh	18.04.2013
		No. 23 Bendridih	Mahasamund	Mahasamund	Chhattisgarh	06.01.2013
		No. 24 Bhoring	Mahasamund	Mahasamund	Chhattisgarh	24.04.2013
		No. 25 Tumgaon	Mahasamund	Mahasamund	Chhattisgarh	06.05.2013
		No. 26 Amawas	Mahasamund	Mahasamund	Chhattisgarh	06.05.2013
		No. 27 Gopalpur	Mahasamund	Mahasamund	Chhattisgarh	23.04.2013
		No. 28 Muski	Mahasamund	Mahasamund	Chhattisgarh	16.06.2013
		No. 29 Kapa	Mahasamund	Mahasamund	Chhattisgarh	18.06.2013

1	2	3	4	5	6	7
		No. 30 Parswani	Mahasamund	Mahasamund	Chhattisgarh	09.07.2013
		No. 31 Belsonda	Mahasamund	Mahasamund	Chhattisgarh	09.07.2013
		No. 32 Nandgaon	Mahasamund	Mahasamund	Chhattisgarh	27.08.2013
		No. 33 Mudena	Mahasamund	Mahasamund	Chhattisgarh	23.06.2013
2.	1646(E), 18.07.2011	No. 1 Banskuda	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 2 Birbira	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 3 Nandgaon	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 4 Bodra	Mahasamund	Mahasamund	Chhattisgarh	30.04.2013
		No. 5 Pataimata	Mahasamund	Mahasamund	Chhattisgarh	20.04.2013
		No. 6 Mungaimata	Mahasamund	Mahasamund	Chhattisgarh	20.04.2013
3.	756, 26.03.2013	No. 1 Phulwai	Mahasamund	Mahasamund	Chhattisgarh	19.04.2013
		No. 2 Pirda	Mahasamund	Mahasamund	Chhattisgarh	09.04.2013
4.	2030(E), 07.08.2014	No. 1 Tumgaon	Mahasamund	Mahasamund	Chhattisgarh	06.05.2013
		No. 2 Kherjhiti	Mahasamund	Mahasamund	Chhattisgarh	18.04.2013
		No. 3 Singhori	Mahasamund	Mahasamund	Chhattisgarh	19.04.2013
		No. 4 Navagaon	Mahasamund	Mahasamund	Chhattisgarh	27.08.2013
		No. 5 Birbira	Mahasamund	Mahasamund	Chhattisgarh	10.05.2013
		No. 6 Chhindoli	Mahasamund	Mahasamund	Chhattisgarh	17.04.013
		No. 7 Dumarपाली	Mahasamund	Mahasamund	Chhattisgarh	05.04.2013
		No. 8 Parswani	Mahasamund	Mahasamund	Chhattisgarh	09.07.2013
		No. 9 Belsonda	Mahasamund	Mahasamund	Chhattisgarh	09.07.2013
		No. 10 Pirda	Mahasamund	Mahasamund	Chhattisgarh	09.04.2013
Thesil: Arang		District: Raipur			State: Chhattisgarh	
1.	152(E), 24.01.2011	No. 1 Goinda	Arang	Raipur	Chhattisgarh	26.06.2013
		No. 2 Nisda	Arang	Raipur	Chhattisgarh	26.06.2013
		No. 3 Akolikalan	Arang	Raipur	Chhattisgarh	23.06.2013
		No. 4 Akolikhurd	Arang	Raipur	Chhattisgarh	19.06.2013
		No. 5 Bhilai	Arang	Raipur	Chhattisgarh	17.06.2013
		No. 6 Borid	Arang	Raipur	Chhattisgarh	11.06.2013
		No. 7 Deoda	Arang	Raipur	Chhattisgarh	05.06.2013
		No. 8 Lakholi	Arang	Raipur	Chhattisgarh	28.05.2013
2.	1655(E), 18.07.2011	No. 1 Lakholi	Arang	Raipur	Chhattisgarh	28.05.2013
		No. 2 Deoda	Arang	Raipur	Chhattisgarh	05.06.2013
3.	608, 11.03.2013	No. 1 Goinda	Arang	Raipur	Chhattisgarh	26.06.2013
4.	3287(E), 23.12.2014	No. 1 Akolikala	Arang	Raipur	Chhattisgarh	23.06.2013
		No. 2 Bhilai	Arang	Raipur	Chhattisgarh	17.06.2013
		No. 3 Borid	Arang	Raipur	Chhattisgarh	11.06.2013
		No. 4 Deoda	Arang	Raipur	Chhattisgarh	05.06.2013
		No. 5 Lakholi	Arang	Raipur	Chhattisgarh	28.05.2013

[No. R-25011/3/2015-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 23 जुलाई, 2015

**का.आ. 1768.**—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लेखित तारीखों की अधिसूचना संख्या का० आ० द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि

में अपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में जो सभी विल्लंगमों से मुक्त है, उपयोग का अधिसूचनाओं से संलग्न का अधिकार इंडियन ऑयल कार्पोरेशन लिमिटेड में, निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को यह रिपोर्ट दी है की छत्तीसगढ़ राज्य में पारादीप-रायपुर-राँची पाइपलाइन परियोजना का

पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जा चुकी है। अतः उस भूमि में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया जाता है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

तहसील: बिलाईगढ़		जिला: रायपुर		राज्य: छत्तीसगढ़		
क्र०सं०	का०आ० नं० एवं दिनांक	गांव का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1	325(अ), 10.02.2011	नं. 1 नरेश नगर नं. 2 ढनढनी नं. 3 रायकोना नं. 4 मुड़पार नं. 5 पिपरडुला नं. 6 सरसीवा नं. 7 पेण्ड्रावन नं. 8 चारभांठा नं. 9 बलौदी नं. 10 जैतपुर	बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़	रायपुर रायपुर रायपुर रायपुर रायपुर रायपुर रायपुर रायपुर रायपुर रायपुर	छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़	04.04.2013 30.03.2013 28.03.2013 25.03.2013 24.03.2013 23.03.2013 22.03.2013 21.03.2013 20.03.2013 17.03.2013
2	326(अ), 10.02.2011	नं. 1 झुमका नं. 2 मोहतरा नं. 3 छिरचुवा	बिलाईगढ़ बिलाईगढ़ बिलाईगढ़	रायपुर रायपुर रायपुर	छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़	16.03.2013 15.03.2013 14.03.2013
3	1647(अ), 18.07.2011	नं. 1 सरसीवाँ नं. 2 चारभांठा	बिलाईगढ़ बिलाईगढ़	रायपुर रायपुर	छत्तीसगढ़ छत्तीसगढ़	23.03.2013 21.03.2013
4	750, 20.03.2013	नं. 1 चारभांठा	बिलाईगढ़	रायपुर	छत्तीसगढ़	21.03.2013
तहसील: बिलाईगढ़		जिला: बलौदा बाजार		राज्य: छत्तीसगढ़		
5	2122(अ), 13.08.2014	नं. 1 नरेश नगर नं. 2 ढनढनी नं. 3 रायकोना नं. 4 मुड़पार नं. 5 पिपरडुला नं. 6 सरसीवा नं. 7 पेण्ड्रावन नं. 8 चारभांठा नं. 9 बलौदी नं. 10 जैतपुर नं. 11 झुमका नं. 12 मोहतरा नं. 13 छिरचुवा	बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़ बिलाईगढ़	बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार बलौदाबाजार	छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़ छत्तीसगढ़	04.04.2013 30.03.2013 28.03.2013 25.03.2013 24.03.2013 23.03.2013 22.03.2013 21.03.2013 20.03.2013 17.03.2013 16.03.2013 15.03.2013 14.03.2013

1	2	3	4	5	6	7
तहसील : जैजैपुर		जिला : जांजगीर-चाम्पा				राज्य : छत्तीसगढ़
1.	702(अ), 06.04.2011	नं 1 चिसदा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	24.05.2013
		नं 2 हसौद	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	26.05.2013
		नं 3 कुटराबोड	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	28.05.2013
		नं 4 तुसार	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	30.05.2013
		नं 5 गुचकुलिया (महाल नंबर 1)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		गुचकुलिया (महाल नंबर 2)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		गुचकुलिया (महाल नंबर 3)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		नं 6 नंदेली (महाल नंबर-1)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013
		नंदेली (महाल नंबर-2)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013
		नंदेली (महाल नंबर-3)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013
		नं 7 कोटेतरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	05.06.2013
		नं 8 ठूठी	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	13.03.2013
2.	1760(अ), 28.07.2011	नं 1 बरेकेल कला	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	06.06.2013
		नं 2 परसदा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	07.06.2013
		नं 3 कैथा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	14.11.2013
		नं 4 देवरघटा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	09.06.2013
		नं 5 बैहागुडरु	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	10.06.2013
		नं 6 तुमीडीह	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	10.06.2013
		नं 7 ओडेकेरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	12.06.2013
		नं 8 गलगलाडीह	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	13.06.2013
		नं 9 ठठारी	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	15.06.2013
3.	2107(अ), 14.09.2011	नं 1 बुटराबोड	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	28.05.2013
		नं 2 कोटेतरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	05.06.2013
4.	609, 11.03.2013	नं 1 कोटेतरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	05.06.2013
		नं 2 कुटराबोड	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	28.05.2013
		नं 3 हसौद	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	26.05.2013
		नं 4 तुषार	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	30.05.2013
		नं 5 गलगलाडीह	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	13.06.2013
		नं 6 देवरघटा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	09.06.2013
		नं 7 नंदेली (महाल नंबर 1)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013
5.	2029(अ), 07.08.2014	नं 1 परसदा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	07.06.2013
		नं 2 हसौद	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	26.05.2013
		नं 3 देवरघटा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	09.06.2013
		नं 4 बैहागुडरु	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	10.06.2013
		नं 5 तुमीडीह	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	11.06.2013
		नं 6 कुटराबोड	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	28.05.2013
		नं 7 ओडेकेरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	12.06.2013
		नं 8 गलगलाडीह	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	13.06.2013
		नं 9 ठठारी	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	15.06.2013
		नं 10 गुचकुलिया (महाल नम्बर-1)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		नं 11 गुचकुलिया (महाल नम्बर-2)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		नं 12 गुचकुलिया (महाल नम्बर-3)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	01.06.2013
		नं 13 नन्देली (महाल नम्बर-1)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013

1	2	3	4	5	6	7
		नं० 14 नन्देली (महाल नम्बर-2)	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	03.06.2013
		नं० 15 कोटेतरा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	05.06.2013
		नं० 16 तुसार	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	30.05.2013
		नं० 17 ठूठी	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	13.03.2013
6.	3286(अ), 23.12.2014	नं० 1 कैथा	जैजैपुर	जांजगीर-चाम्पा	छत्तीसगढ़	14.11.2013
तहसील : चाम्पा		जिला : जांजगीर-चाम्पा			राज्य : छत्तीसगढ़	
1.	686(अ), 31.03.2011	नं० 1 संजयग्राम	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	13.05.2013
		नं० 2 रिसदा	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	14.05.2013
		नं० 3 कुम्हारी कला	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	15.05..2013
		नं० 4 लक्ष्मपुर	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	16.05.2013
		नं० 5 कडरी	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	17.05.2013
		नं० 6 पोडी कला	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	18.05.2013
2.	1761(अ), 28.07.2011	नं० 6 पोडी कला	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	18.05.2013
3.	2133(अ), 14.08.2014	नं० 1 संजयग्राम	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	13.05.2013
		नं० 2 रिसदा	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	14.05.2013
		नं० 3 कुम्हारी कला	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	15.05..2013
		नं० 4 लछनपुर	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	16.05.2013
		नं० 5 कडरी	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	17.05.2013
		नं० 6 पोडी कला	चाम्पा	जांजगीर-चाम्पा	छत्तीसगढ़	18.05.2013
तहसील : सक्ती		जिला : जांजगीर-चाम्पा		राज्य : छत्तीसगढ़		
1.	706(अ), 06.04.2011	नं० 1 पलाडी खुर्द	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	19.05.2013
		नं० 2 पलाडी कला	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	20.05.2013
		नं० 3 मुक्ता-राजा	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	21.05.2013
		नं० 4 भागोडीह	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	22.05.2013
		नं० 5 सरहर	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	23.05.2013
		नं० 6 जर्वे	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	24.05.2013
		नं० 7 गतवा	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	25.05.2013
		नं० 8 सुन्दरेली	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	26.05.2013
2.	2135(अ), 14.08.2011	नं० 1 पलाडी खुर्द	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	19.05.2013
		नं० 2 पलाडी कला	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	20.05.2013
		नं० 3 मुक्ता-राजा	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	21.05.2013
		नं० 4 भागोडीह	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	22.05.2013
		नं० 5 सरहर	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	23.05.2013
		नं० 6 गतवा	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	25.05.2013
		नं० 7 सुन्दरेली	सक्ती	जांजगीर-चाम्पा	छत्तीसगढ़	26.05.2013
तहसील : करतला		जिला : कोरबा			राज्य : छत्तीसगढ़	
1.	703(अ), 06.04.2011	नं० 1 छिटोरी-जारी	करतला	कोरबा	छत्तीसगढ़	04.02.2014
		नं० 2 करपाली	करतला	कोरबा	छत्तीसगढ़	03.02.2014
		नं० 3 बुढ़ियापाली	करतला	कोरबा	छत्तीसगढ़	06.02.2014
		नं० 4 सोहागपुर	करतला	कोरबा	छत्तीसगढ़	07.02.2014



1	2	3	4	5	6	7
		नं० 5 कुरुडीह	करतला	कोरबा	छत्तीसगढ़	08.02.2014
		नं० 6 मकुन्दपुर	करतला	कोरबा	छत्तीसगढ़	09.02.2014
		नं० 7 रोंगदा	करतला	कोरबा	छत्तीसगढ़	11.02.2014
		नं० 8 घाठादुवारी	करतला	कोरबा	छत्तीसगढ़	13.02.2014
		नं० 9 जर्वे	करतला	कोरबा	छत्तीसगढ़	14.02.2014
		नं० 10 नावापारा	करतला	कोरबा	छत्तीसगढ़	16.02.2014
		नं० 11 बरपाली	करतला	कोरबा	छत्तीसगढ़	17.02.2014
		नं० 12 सलिहाभांठा	करतला	कोरबा	छत्तीसगढ़	18.02.2014
		नं० 13 बधवाभांठा	करतला	कोरबा	छत्तीसगढ़	20.02.2014
		नं० 14 टुन्डा	करतला	कोरबा	छत्तीसगढ़	05.02.2014
2.	1652(अ), 18.07.2011	नं० 1 कराली	करतला	कोरबा	छत्तीसगढ़	03.02.2014
		नं० 2 बुधियापाली	करतला	कोरबा	छत्तीसगढ़	06.02.2014
		नं० 3 मकुन्दपुर	करतला	कोरबा	छत्तीसगढ़	09.02.2014
3.	755, 26.03.2013	नं० 1 घाटादुवारी	करतला	कोरबा	छत्तीसगढ़	13.02.2014
4.	2149(अ), 08.08.2014	नं० 1 करपाली	करतला	कोरबा	छत्तीसगढ़	03.02.2014
		नं० 2 छिटोरी	करतला	कोरबा	छत्तीसगढ़	04.02.2014
		नं० 3 टुन्डा	करतला	कोरबा	छत्तीसगढ़	05.02.2014
		नं० 4 बुधियापाली	करतला	कोरबा	छत्तीसगढ़	06.02.2014
		नं० 5 सोहागपुर	करतला	कोरबा	छत्तीसगढ़	07.02.2014
		नं० 6 कुरुडीह	करतला	कोरबा	छत्तीसगढ़	08.02.2014
		नं० 7 मकुन्दपुर	करतला	कोरबा	छत्तीसगढ़	09.02.2014
		नं० 8 रोंगदा	करतला	कोरबा	छत्तीसगढ़	11.02.2014
		नं० 9 घाठादुवारी	करतला	कोरबा	छत्तीसगढ़	13.02.2014
		नं० 10 जर्वे	करतला	कोरबा	छत्तीसगढ़	14.02.2014
		नं० 11 बरपाली	करतला	कोरबा	छत्तीसगढ़	17.02.2014
		नं० 12 सलिहाभांठा	करतला	कोरबा	छत्तीसगढ़	18.02.2014
		नं० 13 नवापारा	करतला	कोरबा	छत्तीसगढ़	16.02.2014
		नं० 14 बधवाभांठा	करतला	कोरबा	छत्तीसगढ़	20.02.2014
तहसील : कोरबा		जिला : कोरबा			राज्य : छत्तीसगढ़	
1.	707(अ), 06.04.2011	नं० 1 तिलकेजा	कोरबा	कोरबा	छत्तीसगढ़	18.06.2014
		नं० 2 बगबुडा	कोरबा	कोरबा	छत्तीसगढ़	19.06.2014
		नं० 3 मसान	कोरबा	कोरबा	छत्तीसगढ़	20.06.2014
		नं० 4 कुकरी चोली	कोरबा	कोरबा	छत्तीसगढ़	21.06.2014
		नं० 5 कुरुडीह	कोरबा	कोरबा	छत्तीसगढ़	22.06.2014
		नं० 6 पंडरीपानी	कोरबा	कोरबा	छत्तीसगढ़	24.06.2014
		नं० 7 नकटीखार	कोरबा	कोरबा	छत्तीसगढ़	25.06.2014
		नं० 8 भुलसीडीड	कोरबा	कोरबा	छत्तीसगढ़	26.06.2014
		नं० 9 डुमरडीह	कोरबा	कोरबा	छत्तीसगढ़	27.06.2014
		नं० 10 केसला	कोरबा	कोरबा	छत्तीसगढ़	28.06.2014
		नं० 11 दौंदरो	कोरबा	कोरबा	छत्तीसगढ़	29.06.2014
		नं० 12 रोगबहरी	कोरबा	कोरबा	छत्तीसगढ़	30.06.2014
		नं० 13 जामबहार	कोरबा	कोरबा	छत्तीसगढ़	31.06.2014
		नं० 14 सोनपुरी	कोरबा	कोरबा	छत्तीसगढ़	24.03.2015
		नं० 15 सोनगुडा	कोरबा	कोरबा	छत्तीसगढ़	24.03.2015

1	2	3	4	5	6	7
2.	1653(अ), 18.07.2011	नं० 1 दोंदरो	कोरबा	कोरबा	छत्तीसगढ़	29.06.2014
3.	751, 26.03.2013	नं० 1 रोगबहरी	कोरबा	कोरबा	छत्तीसगढ़	30.06.2014
		नं० 2 पंडरीपानी	कोरबा	कोरबा	छत्तीसगढ़	24.06.2014
		नं० 3 कुरुडीह	कोरबा	कोरबा	छत्तीसगढ़	22.06.2014
		नं० 4 कुकरी चोली	कोरबा	कोरबा	छत्तीसगढ़	21.06.2014
4.	2132(अ), 14.08.2014	नं० 1 नक्टीखार	कोरबा	कोरबा	छत्तीसगढ़	25.06.2014
		नं० 2 पंडरीपानी	कोरबा	कोरबा	छत्तीसगढ़	24.06.2014
		नं० 3 भुलसीडीह	कोरबा	कोरबा	छत्तीसगढ़	26.06.2014
		नं० 4 डुमरडीह	कोरबा	कोरबा	छत्तीसगढ़	27.06.2014
		नं० 5 केसला	कोरबा	कोरबा	छत्तीसगढ़	28.06.2014
		नं० 6 दोंदरो	कोरबा	कोरबा	छत्तीसगढ़	29.06.2014
		नं० 7 रोगबहरी	कोरबा	कोरबा	छत्तीसगढ़	30.06.2014
		नं० 8 जामबहार	कोरबा	कोरबा	छत्तीसगढ़	31.06.2014
		नं० 9 सोनपुरी	कोरबा	कोरबा	छत्तीसगढ़	24.03.2015
		नं० 10 सोनगुढ़ा	कोरबा	कोरबा	छत्तीसगढ़	24.03.2015
		नं० 11 कुरुडीह	कोरबा	कोरबा	छत्तीसगढ़	22.06.2014
		नं० 12 तिलकेजा	कोरबा	कोरबा	छत्तीसगढ़	18.06.2014
		नं० 13 कुकरीचोली	कोरबा	कोरबा	छत्तीसगढ़	21.06.2014
		नं० 14 बगबुडा	कोरबा	कोरबा	छत्तीसगढ़	19.06.2014
		नं० 15 मसान	कोरबा	कोरबा	छत्तीसगढ़	20.06.2014
तहसील : कटघोरा		जिला : कोरबा			राज्य : छत्तीसगढ़	
1.	1022(अ), 05.05.2011	नं० 1 नवागांव कला	कटघोरा	कोरबा	छत्तीसगढ़	07.11.2014
		नं० 2 साहीमुडी	कटघोरा	कोरबा	छत्तीसगढ़	08.11.2014
		नं० 3 गोपालपुर	कटघोरा	कोरबा	छत्तीसगढ़	10.11.2014
2.	2118(अ), 07.07.2013	नं० 1 गोपालपुर	कटघोरा	कोरबा	छत्तीसगढ़	10.11.2014
		नं० 2 नवागांव कला	कटघोरा	कोरबा	छत्तीसगढ़	07.11.2014
		नं० 3 साहीमुडी	कटघोरा	कोरबा	छत्तीसगढ़	08.11.2014
3.	1992(अ), 10.07.2014	नं० 1 गोपालपुर	कटघोरा	कोरबा	छत्तीसगढ़	10.11.2014
		नं० 2 नवागांव कला	कटघोरा	कोरबा	छत्तीसगढ़	07.11.2014
		नं० 3 साहीमुडी	कटघोरा	कोरबा	छत्तीसगढ़	08.11.2014

[सं० आर-25011/3/2015-ओ आर-1]

पवन कुमार, अवर सचिव

New Delhi, the 23rd July, 2015

**S.O. 1768.**—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas Number S.O. Number and dated as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands, specified in the schedule appended to those notifications.

And Whereas, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And Whereas, the Competent Authority has made a report to the Central Government that the laying of pipeline for the purpose of transportation of petroleum products under Paradip-Raipur-Ranchi Pipeline Project completed in the State of Chhattisgarh, therefore operation in ROW

(Right of Way) land has been closed description of which in brief is specified in the Schedule annexed to notification;

Now therefore, as required under explanation-1 of rule 4 of the Petroleum and Minerals Pipelines (Acquired of Right of User in Land) Rules 1963, the Central Government hereby declares the dates mentioned in Column 7 of the said Schedule as the dates of termination of operation.

### SCHEDULE

Thesil : Bilaigarh

District : Raipur

State : Chhattisgarh

Sl. No.	S.O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
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1	2	3	4	5	6	7
1.	325(E), 10.02.2011	No. 1 Naresh Nagar	Bilaigarh	Raipur	Chhattisgarh	04.04.2013
		No. 2 Dhandhani	Bilaigarh	Raipur	Chhattisgarh	30.03.2013
		No. 3 Raikona	Bilaigarh	Raipur	Chhattisgarh	28.03.2013
		No. 4 Mudpar	Bilaigarh	Raipur	Chhattisgarh	25.03.2013
		No. 5 Pipardula	Bilaigarh	Raipur	Chhattisgarh	24.03.2013
		No. 6 Sarsinwa	Bilaigarh	Raipur	Chhattisgarh	23.03.2013
		No. 7 Pendrawan	Bilaigarh	Raipur	Chhattisgarh	22.03.2013
		No. 8 Charbhatha	Bilaigarh	Raipur	Chhattisgarh	21.03.2013
		No. 9 Balaudi	Bilaigarh	Raipur	Chhattisgarh	20.03.2013
		No. 10 Jaitpur	Bilaigarh	Raipur	Chhattisgarh	17.03.2013
2.	326(E), 10.02.2011	No. 1 Jhumka	Bilaigarh	Raipur	Chhattisgarh	16.03.2013
		No. 2 Mohtara	Bilaigarh	Raipur	Chhattisgarh	15.03.2013
		No. 3 Chhircuwa	Bilaigarh	Raipur	Chhattisgarh	14.03.2013
3.	1647(E), 18.07.2011	No. 1 Sarsinwa	Bilaigarh	Raipur	Chhattisgarh	23.03.2013
		No. 2 Charbhata	Bilaigarh	Raipur	Chhattisgarh	21.03.2013
4.	750, 20.03.2013	No. 1 Charbhatha	Bilaigarh	Raipur	Chhattisgarh	21.03.2013

Thesil : Bilaigarh

District : Balauda Bazar

State : Chhattisgarh

5.	2122(E), 13.08.2014	No. 1 Naresh Nagar	Bilaigarh	Balauda Bazar	Chhattisgarh	04.04.2012
		No. 2 Dhandhani	Bilaigarh	Balauda Bazar	Chhattisgarh	30.03.2013
		No. 3 Raikona	Bilaigarh	Balauda Bazar	Chhattisgarh	28.03.2013
		No. 4 Mudpar	Bilaigarh	Balauda Bazar	Chhattisgarh	25.03.2013
		No. 5 Pipardula	Bilaigarh	Balauda Bazar	Chhattisgarh	24.03.2013
		No. 6 Sarsinwa	Bilaigarh	Balauda Bazar	Chhattisgarh	23.03.2013
		No. 7 Pendrawan	Bilaigarh	Balauda Bazar	Chhattisgarh	22.03.2013
		No. 8 Charbhatha	Bilaigarh	Balauda Bazar	Chhattisgarh	21.03.2013
		No. 9 Balaudi	Bilaigarh	Balauda Bazar	Chhattisgarh	20.03.2013
		No. 10 Jaitpur	Bilaigarh	Balauda Bazar	Chhattisgarh	17.03.2013
		No. 11 Jhumka	Bilaigarh	Balauda Bazar	Chhattisgarh	16.03.2013
		No. 12 Mohtara	Bilaigarh	Balauda Bazar	Chhattisgarh	15.03.2013
		No. 13 Chhircuwa	Bilaigarh	Balauda Bazar	Chhattisgarh	14.03.2013

Thesil : Jaijaipur

District : Janjgir-Champa

State : Chhattisgarh

1.	702(E), 06.04.2011	No. 1 Chisda	Jaijaipur	Janjgir-Champa	Chhattisgarh	24.05.2013
		No. 2 Hasaud	Jaijaipur	Janjgir-Champa	Chhattisgarh	26.05.2013
		No. 3 Kutrabod	Jaijaipur	Janjgir-Champa	Chhattisgarh	28.05.2013
		No. 4 Tusar	Jaijaipur	Janjgir-Champa	Chhattisgarh	30.05.2013
		No. 5 Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013

1	2	3	4	5	6	7
		(Mahaal Number 1)				
		Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013
		(Mahaal Number 2)				
		Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013
		(Mahaal Number 3)				
		No. 6 Nandeli	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		(Mahaal Number 1)				
		Nandeli	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		(Mahaal Number 2)				
		Nandeli	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		(Mahaal Number 3)				
		No. 7 Kotetara	Jaijaipur	Janjgir-Champa	Chhattisgarh	05.06.2013
		No. 8 Thuthi	Jaijaipur	Janjgir-Champa	Chhattisgarh	13.03.2014
2.	1760(E), 28.07.2011	No. 1 Barekel Kala	Jaijaipur	Janjgir-Champa	Chhattisgarh	06.06.2013
		No. 2 Parsada	Jaijaipur	Janjgir-Champa	Chhattisgarh	07.06.2013
		No. 3 Kaitha	Jaijaipur	Janjgir-Champa	Chhattisgarh	14.11.2013
		No. 4 Dewardhata	Jaijaipur	Janjgir-Champa	Chhattisgarh	09.06.2013
		No. 5 Baihagudaroo	Jaijaipur	Janjgir-Champa	Chhattisgarh	10.06.2013
		No. 6 Tumidih	Jaijaipur	Janjgir-Champa	Chhattisgarh	11.06.2013
		No. 7 Odeker	Jaijaipur	Janjgir-Champa	Chhattisgarh	12.06.2013
		No. 8 Galgaladih	Jaijaipur	Janjgir-Champa	Chhattisgarh	13.06.2013
		No. 9 Thathari	Jaijaipur	Janjgir-Champa	Chhattisgarh	15.06.2013
3.	2107(E), 14.09.2011	No. 1 Kutrabod	Jaijaipur	Janjgir-Champa	Chhattisgarh	28.05.2013
		No. 2 Kotetara	Jaijaipur	Janjgir-Champa	Chhattisgarh	05.06.2013
4.	609, 11.03.2013	No. 1 Kotetara	Jaijaipur	Janjgir-Champa	Chhattisgarh	05.06.2013
		No. 2 Kutrabod	Jaijaipur	Janjgir-Champa	Chhattisgarh	28.05.2013
		No. 3 Hasaud	Jaijaipur	Janjgir-Champa	Chhattisgarh	26.05.2013
		No. 4 Tushar	Jaijaipur	Janjgir-Champa	Chhattisgarh	30.05.2013
		No. 5 Galgaladih	Jaijaipur	Janjgir-Champa	Chhattisgarh	13.06.2013
		No. 6 Devarghata	Jaijaipur	Janjgir-Champa	Chhattisgarh	09.06.2013
		No. 7 Nandeli	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		(Mahal Number-1)				
5.	2029(E), 07.08.2014	No. 1 Parsada	Jaijaipur	Janjgir-Champa	Chhattisgarh	07.06.2013
		No. 2 Hasaud	Jaijaipur	Janjgir-Champa	Chhattisgarh	26.05.2013
		No. 3 Devarghata	Jaijaipur	Janjgir-Champa	Chhattisgarh	09.06.2013
		No. 4 Baihagudru	Jaijaipur	Janjgir-Champa	Chhattisgarh	10.06.2013
		No. 5 Tumidih	Jaijaipur	Janjgir-Champa	Chhattisgarh	11.06.2013
		No. 6 Kutrabod	Jaijaipur	Janjgir-Champa	Chhattisgarh	28.05.2013
		No. 7 Odeker	Jaijaipur	Janjgir-Champa	Chhattisgarh	12.06.2013
		No. 8 Galgaladih	Jaijaipur	Janjgir-Champa	Chhattisgarh	13.06.2013
		No. 9 Thathari	Jaijaipur	Janjgir-Champa	Chhattisgarh	15.06.2013
		No. 10 Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013
		(Mahal-1)				
		No. 11 Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013
		(Mahal-2)				
		No. 12 Guchkuliya	Jaijaipur	Janjgir-Champa	Chhattisgarh	01.06.2013
		(Mahal-3)				
		No. 13 Nandeli	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		(Mahal-1)				

1	2	3	4	5	6	7
		No. 14 Nandeli (Mahal-2)	Jaijaipur	Janjgir-Champa	Chhattisgarh	03.06.2013
		No. 15 Kotetra	Jaijaipur	Janjgir-Champa	Chhattisgarh	05.06.2013
		No. 16 Tushar	Jaijaipur	Janjgir-Champa	Chhattisgarh	30.05.2013
		No. 17 Thuthi	Jaijaipur	Janjgir-Champa	Chhattisgarh	13.03.2014
6.	3286(E), 23.12.2014	No. 1 Kaitha	Jaijaipur	Janjgir-Champa	Chhattisgarh	14.11.2013
Thesil: Champa		District: Janjgir-Champa			State: Chhattisgarh	
1.	686(E), 31.03.2011	No. 1 Sanjay Gram	Champa	Janjgir-Champa	Chhattisgarh	13.05.2013
		No. 2 Risda	Champa	Janjgir-Champa	Chhattisgarh	14.05.2013
		No. 3 Kumhari Kala	Champa	Janjgir-Champa	Chhattisgarh	15.05.2013
		No. 4 Lachhanpur	Champa	Janjgir-Champa	Chhattisgarh	16.05.2013
		No. 5 Kadari	Champa	Janjgir-Champa	Chhattisgarh	17.05.2013
		No. 6 Podi Kala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
2.	1761(E), 28.07.2011	No. 1 Podi Kala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
3.	2133(E), 14.08.2014	No. 1 Sanjaygram	Champa	Janjgir-Champa	Chhattisgarh	13.05.2013
		No. 2 Risda	Champa	Janjgir-Champa	Chhattisgarh	14.05.2013
		No. 3 Kumhari Kala	Champa	Janjgir-Champa	Chhattisgarh	15.05.2013
		No. 4 Lachhanpur	Champa	Janjgir-Champa	Chhattisgarh	16.05.2013
		No. 5 Kadari	Champa	Janjgir-Champa	Chhattisgarh	17.05.2013
		No. 6 Podikala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
Thesil: Sakti		District: Janjgir-Champa			State: Chhattisgarh	
1.	706(E), 06.04.2011	No. 1 Paladi Khurd	Sakti	Janjgir-Champa	Chhattisgarh	19.05.2013
		No. 2 Paladi Kala	Sakti	Janjgir-Champa	Chhattisgarh	20.05.2013
		No. 3 Mukta-Raja	Sakti	Janjgir-Champa	Chhattisgarh	21.05.2013
		No. 4 Bhagodih	Sakti	Janjgir-Champa	Chhattisgarh	22.05.2013
		No. 5 Sarhar	Sakti	Janjgir-Champa	Chhattisgarh	23.05.2013
		No. 6 Jarwe	Sakti	Janjgir-Champa	Chhattisgarh	24.05.2013
		No. 7 Gatwa	Sakti	Janjgir-Champa	Chhattisgarh	25.05.2013
		No. 8 Sundreli	Sakti	Janjgir-Champa	Chhattisgarh	26.05.2013
2.	2135(E), 14.08.2014	No. 1 Paladi Khurd	Sakti	Janjgir-Champa	Chhattisgarh	19.05.2013
		No. 2 Paladi Kala	Sakti	Janjgir-Champa	Chhattisgarh	20.05.2013
		No. 3 Mukta-Raja	Sakti	Janjgir-Champa	Chhattisgarh	21.05.2013
		No. 4 Bhagodih	Sakti	Janjgir-Champa	Chhattisgarh	22.05.2013
		No. 5 Sarhar	Sakti	Janjgir-Champa	Chhattisgarh	23.05.2013
		No. 6 Gatwa	Sakti	Janjgir-Champa	Chhattisgarh	25.05.2013
		No. 7 Sundreli	Sakti	Janjgir-Champa	Chhattisgarh	26.05.2013
Thesil: Kartala		District: Korba			State: Chhattisgarh	
1.	703(E), 06.04.2011	No. 1 Dhitori	Kartala	Korba	Chhattisgarh	04.02.2014
		No. 2 Karrapali	Kartala	Korba	Chhattisgarh	03.02.2014
		No. 3 Budhiyapali	Kartala	Korba	Chhattisgarh	06.02.2014
		No. 4 Sohagpur	Kartala	Korba	Chhattisgarh	07.02.2014
		No. 5 Kurudih	Kartala	Korba	Chhattisgarh	08.02.2014

1	2	3	4	5	6	7
Thesil: Champa		District: Janjgir-Champa			State: Chhattisgarh	
1.	686(E), 31.03.2011	No. 1 Sanjay Gram	Champa	Janjgir-Champa	Chhattisgarh	13.05.2013
		No. 2 Risda	Champa	Janjgir-Champa	Chhattisgarh	14.05.2013
		No. 3 Kumhari Kala	Champa	Janjgir-Champa	Chhattisgarh	15.05.2013
		No. 4 Lachhanpur	Champa	Janjgir-Champa	Chhattisgarh	16.05.2013
		No. 5 Kadari	Champa	Janjgir-Champa	Chhattisgarh	17.05.2013
		No. 6 Podi Kala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
2.	1761(E) 28.07.2011	No. 1 Podi Kala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
3.	2133(E), 14.08.2014	No. 1 Sanjaygram	Champa	Janjgir-Champa	Chhattisgarh	13.05.2013
		No. 2 Risda	Champa	Janjgir-Champa	Chhattisgarh	14.05.2013
		No. 3 Kumhari Kala	Champa	Janjgir-Champa	Chhattisgarh	15.05.2013
		No. 4 Lachhanpur	Champa	Janjgir-Champa	Chhattisgarh	16.05.2013
		No. 5 Kadari	Champa	Janjgir-Champa	Chhattisgarh	17.05.2013
		No. 6 Podikala	Champa	Janjgir-Champa	Chhattisgarh	18.05.2013
Thesil: Sakti		District: Janjgir-Champa			State: Chhattisgarh	
1.	706(E), 06.04.2011	No. 1 Paladi Khurd	Sakti	Janjgir-Champa	Chhattisgarh	19.05.2013
		No. 2 Paladi Kala	Sakti	Janjgir-Champa	Chhattisgarh	20.05.2013
		No. 3 Mukta-Raja	Sakti	Janjgir-Champa	Chhattisgarh	21.05.2013
		No. 4 Bhagodih	Sakti	Janjgir-Champa	Chhattisgarh	22.05.2013
		No. 5 Sarhar	Sakti	Janjgir-Champa	Chhattisgarh	23.05.2013
		No. 6 Jarwe	Sakti	Janjgir-Champa	Chhattisgarh	24.05.2013
		No. 7 Gatwa	Sakti	Janjgir-Champa	Chhattisgarh	25.05.2013
		No. 8 Sundreli	Sakti	Janjgir-Champa	Chhattisgarh	26.05.2013
2.	2135(E), 14.08.2014	No. 1 Paladi Khurd	Sakti	Janjgir-Champa	Chhattisgarh	19.05.2013
		No. 2 Paladi Kala	Sakti	Janjgir-Champa	Chhattisgarh	20.05.2013
		No. 3 Mukta-Raja	Sakti	Janjgir-Champa	Chhattisgarh	21.05.2013
		No. 4 Bhagodih	Sakti	Janjgir-Champa	Chhattisgarh	22.05.2013
		No. 5 Sarhar	Sakti	Janjgir-Champa	Chhattisgarh	23.05.2013
		No. 6 Gatwa	Sakti	Janjgir-Champa	Chhattisgarh	25.05.2013
		No. 7 Sundreli	Sakti	Janjgir-Champa	Chhattisgarh	26.05.2013
Thesil: Kartala		District: Korba			State: Chhattisgarh	
1.	703(E), 06.04.2011	No. 1 Dhitori	Kartala	Korba	Chhattisgarh	04.02.2014
		No. Karrapali	Kartala	Korba	Chhattisgarh	03.02.2014
		No. 3 Budhiyapali	Kartala	Korba	Chhattisgarh	06.02.2014
		No. 4 Sohagpur	Kartala	Korba	Chhattisgarh	07.02.2014
		No. 5 Kurudih	Kartala	Korba	Chhattisgarh	08.02.2014
		No. 6 Makundpur	Kartala	Korba	Chhattisgarh	09.02.2014
		No. 7 Rongda	Kartala	Korba	Chhattisgarh	11.02.2014
		No. 8 Ghataduware	Kartala	Korba	Chhattisgarh	13.02.2014
		No. 9 Jarve	Kartala	Korba	Chhattisgarh	14.02.2014
		No. 10 Nawapara	Kartala	Korba	Chhattisgarh	16.02.2014
		No. 11 Barpali	Kartala	Korba	Chhattisgarh	17.02.2014



1	2	3	4	5	6	7
		No. 12 Salihabhatha	Kartala	Korba	Chhattisgarh	18.02.2014
		No. 13 Badhva Batha	Kartala	Korba	Chhattisgarh	20.02.2014
		No. 14 Tunda	Kartala	Korba	Chhattisgarh	05.02.2014
2.	1652(E), 18.07.2011	No. 1 Karrapali	Kartala	Korba	Chhattisgarh	03.02.2014
		No. 2 Budhiyapali	Kartala	Korba	Chhattisgarh	06.02.2014
		No. 3 Makundpur	Kartala	Korba	Chhattisgarh	09.02.2014
3.	755, 26.03.2013	No. 1 Ghataduware	Kartala	Korba	Chhattisgarh	13.02.2014
4.	2149(E), 08.08.2014	No. 1 Karrapali	Kartala	Korba	Chhattisgarh	03.02.2014
		No. 2 Dhitori	Kartala	Korba	Chhattisgarh	04.02.2014
		No. 3 Tunda	Kartala	Korba	Chhattisgarh	05.02.2014
		No. 4 Budhiyapali	Kartala	Korba	Chhattisgarh	06.02.2014
		No. 5 Sohagpur	Kartala	Korba	Chhattisgarh	07.02.2014
		No. 6 Kurudih	Kartala	Korba	Chhattisgarh	08.02.2014
		No. 7 Makundpur	Kartala	Korba	Chhattisgarh	09.02.2014
		No. 8 Rongda	Kartala	Korba	Chhattisgarh	11.02.2014
		No. 9 Ghataduware	Kartala	Korba	Chhattisgarh	13.02.2014
		No. 10 Jarve	Kartala	Korba	Chhattisgarh	14.02.2014
		No. 11 Barpali	Kartala	Korba	Chhattisgarh	17.02.2014
		No. 12 Salihabhatha	Kartala	Korba	Chhattisgarh	18.02.2014
		No. 13 Nawapara	Kartala	Korba	Chhattisgarh	16.02.2014
		No. 14 Badhvabatha	Kartala	Korba	Chhattisgarh	20.02.2014
Thesil: Korba			District: Korba		State: Chhattisgarh	
1.	707(E), 06.04.2011	No. 1 Tilkeja	Korba	Korba	Chhattisgarh	18.06.2014
		No. 2 Bagbuda	Korba	Korba	Chhattisgarh	19.06.2014
		No. 3 Masan	Korba	Korba	Chhattisgarh	20.06.2014
		No. 4 Kukri Choli	Korba	Korba	Chhattisgarh	21.06.2014
		No. 5 Kurudih	Korba	Korba	Chhattisgarh	22.06.2014
		No. 6 Pandripani	Korba	Korba	Chhattisgarh	24.06.2014
		No. 7 Naktikhar	Korba	Korba	Chhattisgarh	25.06.2014
		No. 8 Bhulsidhi	Korba	Korba	Chhattisgarh	26.06.2014
		No. 9 Dumardih	Korba	Korba	Chhattisgarh	27.06.2014
		No. 10 Kesala	Korba	Korba	Chhattisgarh	28.06.2014
		No. 11 Dondro	Korba	Korba	Chhattisgarh	29.06.2014
		No. 12 Rogbahari	Korba	Korba	Chhattisgarh	30.06.2014
		No. 13 Jambahar	Korba	Korba	Chhattisgarh	31.06.2014
		No. 14 sonpuri	Korba	Korba	Chhattisgarh	24.03.2015
		No. 15 Songudha	Korba	Korba	Chhattisgarh	24.03.2015
2.	1653(E), 18.07.2011	No. 1 Dondro	Korba	Korba	Chhattisgarh	29.06.2014
3.	751, 26.03.2013	No. 1 Rogbahari	Korba	Korba	Chhattisgarh	30.06.2014
		No. 2 Pandaripani	Korba	Korba	Chhattisgarh	24.06.2014
		No. 3 Kurudih	Korba	Korba	Chhattisgarh	22.06.2014
		No. 4 Kukricholi	Korba	Korba	Chhattisgarh	21.06.2014

1	2	3	4	5	6	7
4.	2132(E), 14.08.2014	No. 1 Naktikhar	Korba	Korba	Chhattisgarh	25.06.2014
		No. 2 Pandripani	Korba	Korba	Chhattisgarh	24.06.2014
		No. 3 Bhulsidih	Korba	Korba	Chhattisgarh	26.06.2014
		No. 4 Dumardih	Korba	Korba	Chhattisgarh	27.06.2014
		No. 5 Kesala	Korba	Korba	Chhattisgarh	28.06.2014
		No. 6 Dondro	Korba	Korba	Chhattisgarh	29.06.2014
		No. 7 Rogbahri	Korba	Korba	Chhattisgarh	30.06.2014
		No. 8 Jambahar	Korba	Korba	Chhattisgarh	31.06.2014
		No. 9 Sonpuri	Korba	Korba	Chhattisgarh	24.03.2015
		No. 10 Songudha	Korba	Korba	Chhattisgarh	24.03.2015
		No. 11 Kurudih	Korba	Korba	Chhattisgarh	22.06.2014
		No. 12 Tilkeja	Korba	Korba	Chhattisgarh	18.06.2014
		No. 13 Kukricholi	Korba	Korba	Chhattisgarh	21.06.2014
		No. 14 Bagbuda	Korba	Korba	Chhattisgarh	19.06.2014
		No. 15 Masan	Korba	Korba	Chhattisgarh	20.06.2014
Thesil: Katghora			District: Korba		State: Chhattisgarh	
1.	1022(E), 05.05.2011	No. 1 Nawagaon Kala	Katghora	Korba	Chhattisgarh	07.11.2014
		No. 2 Sahimudi	Katghora	Korba	Chhattisgarh	08.11.2014
		No. 3 Gopalpur	Katghora	Korba	Chhattisgarh	10.11.2014
2.	2118(E), 07.07.2013	No. 1 Gopalpur	Katghora	Korba	Chhattisgarh	10.11.2014
		No. 2 Nawagao Kala	Katghora	Korba	Chhattisgarh	07.11.2014
		No. 3 Sahimudi	Katghora	Korba	Chhattisgarh	08.11.2014
3.	1992(E), 10.07.2014	No. 1 Gopalpur	Katghora	Korba	Chhattisgarh	10.11.2014
		No. 2 Nawagaonkala	Katghora	Korba	Chhattisgarh	07.11.2014
		No. 3 Sahimudi	Katghora	Korba	Chhattisgarh	08.11.2014

[No. R-25011/3/2015-OR-I]

PAWAN KUMAR, Under Secy.

## सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय

नई दिल्ली, 21 अगस्त, 2015

**का.आ. 1769.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

राष्ट्रीय सूक्ष्म, लघु और मध्यम उद्यम संस्थान, युसुफगुडा, हैदराबाद-500 045।

[सं ई-12016/01/2005-हिन्दी]

एस० एन० त्रिपाठी, अपर सचिव

## MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES

New Delhi, the 21st August, 2015

**S.O. 1769.**—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff has acquired working knowledge in Hindi:

National Institute for Micro, Small & Medium Enterprises, Yousufguda, Hyderabad.

[No. E-12016/01/2005-Hindi]

S. N. TRIPATHI, Addl. Secy.

**कोयला मंत्रालय**

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1770.**—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का० आ० 12 (अ), तारीख 30 दिसम्बर, 2014 जो भारत के राजपत्र, असाधारण, भाग II, खंड, 3 उप-खंड (ii) तारीख 01 जनवरी, 2015 में प्रकाशित की गई थी, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) और उस भूमि में या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं;

और, केन्द्रीय सरकार को यह समाधान हो गया है कि सेंट्रल कोलफील्ड्स लिमिटेड, राँची, झारखंड, (जिसे इसमें इसके पश्चात् उक्त सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये राजामंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम, 1957 की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित भूमि में और उस पर के सभी अधिकार, केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, तारीख 01 जनवरी, 2015 से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात्:—

1. सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
2. सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, उक्त कम्पनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिये या उसके संबंध में अपील आदि सभी विधेयक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार उक्त सरकारी कम्पनी द्वारा वहन किये जायेंगे;
3. सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके, पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;

4. सरकारी कम्पनी के पास, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमियों में पूर्वोक्त अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कम्पनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित किए जाएं।

[फा० सं० 43015/1/2013-पीआरआईडब्ल्यू-I]

सुजीत कुमार, अवर सचिव

**MINISTRY OF COAL**

New Delhi, the 8th September, 2015

**S.O. 1770.**—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 12(E), dated the 30th December, 2014 published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 1st January, 2015 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in and over the said land described in the Scheduled appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi, Jharkhand (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that all rights in or over the said lands so vested shall with effect from the 1st January, 2015 instead of continuing to so vest in the Central Government shall vest in the Government company subject to the following terms and conditions namely:—

1. The Government company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like as determined under the provisions of the said Act;
2. A Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all

legal proceedings like appeals etc. for or in connection with the rights in the said land so vesting shall also be borne by the Government company;

3. The Government company shall indemnify the Central Government its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said lands so vested;
4. The Government company shall no power to transfer the aforesaid rights in the said lands so vested to any other persons without the prior approval of the Central Government; and
5. The Government company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F.No. 43015/1/2013-PRIW-I]

SUJEET KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1771.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 1, धनबाद के पंचाट (संदर्भ संख्या 39/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं एल-20012/351/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

#### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 31st August, 2015

**S.O. 1771.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/1993) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workman, received by the Central Government on 31/08/2015.

[No. L-20012/351/1991-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 39/1993

Employer in relation to the management of Gopinathpur  
Colliery of M/S ECL,

AND

Their workmen

#### Present:

Sri R.K. Saran, Presiding Officer

#### Appearances:

For the Employees : Sri D.V. Verma, Advocate

For the Workman : Sri D. Mukherjee, Advocate

State: Jharkhand.

Industry : Coal

Dated : 3/7/2015

#### AWARD

By order No. L-20012/351/1991-IR (C-1) dated 04/01/1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union for regularisation of services of Shri R.S. Sharma and 22 others by the management of Gopinathpur Colliery of M/s. Eastern Coalfields Ltd. Nirsra Area is justified ? If yes, to what relief the concerned workman is entitled?"

List of workman is not attached with order of reference

2. After receipt of the reference, both parties are noticed. But appearing for certain dates. Ld. Counsel for the workman submits that workman is not interested to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1772.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 1, धनबाद के पंचाट (संदर्भ संख्या 41/1993) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं० एल-20012/338/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st, August, 2015

**S.O. 1772.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 41/1993) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workmen, received by the Central Government on 31/08/2015.

[No. L-20012/338/1991 - IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of  
I.D. Act, 1947.

#### Reference No. 41/1993

Employer in relation to the management of M/S CEL,

AND

Their workmen

#### Present:

Sri R. K. Saran, Presiding Officer

#### Appearances:

For the Employees : None

For the Workman : Sri D. Mukherjee, Advocate

State: Jharkhand Industry : Coal

Dated : 3/7/2015

#### AWARD

By order No. L-20012/338/1991-IR (C-1) dated 05/01/1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union for regularising of services of Shri Golak Bouri and 3 others and paying them the category-IV wages is Justified? If yes, what relief the concerned workmen are entitled?"

#### List workman is not attached with order of reference

2. After receipt of the reference, both parties are noticed. But appearing for certain dates. Ld Counsel for the workman submits that workman is not interested to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1773.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 1, धनबाद के पंचाट (संदर्भ संख्या 40/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं० एल-20012/256/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1773.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/1993) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workmen, received by the Central Government on 31/08/2015.

[No. L-20012/256/1991 - IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act,  
1947.

#### Reference No. 40/1993

Employer in relation to the management of Chapapur  
Colliery of M/s. CEL.

AND

Their workmen

#### Present:

Sri R. K. Saran, Presiding Officer

#### Appearances:

For the Employees : Sri D.K. Verma, Advocate

For the Workman : Sri D. Mukherjee, Advocate

State: Jharkhand. Industry : Coal

Dated : 6/7/2015



**AWARD**

By order No. L-20012/256/1991 IR (C-1) dated 05/01/1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

"Whether the action of the management of M/s Eastern Coalfields Ltd. Nirsa Area in relation to its Chapapur Colliery in not regularising S/Shri Narayan Bouri and seven others as clay cartiage maker in category-I Mazdoor is justified? If not, to what relief the concerned workmen are entitled?"

**List of Workman is not attached with order of reference**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates, none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1774.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 1, धनबाद के पंचाट (संदर्भ संख्या 49/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं० एल-20012/402/1991-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1774.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/1993) of the Cent.Govt.Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workmen, received by the Central Government on 31.08.2015.

[No. L-20012/402/1991-IR (C-1)]

M.K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947.

**Reference: No. 49/1993**

Employer in relation to the management of Kapasara Area M/s. E.C.L.

AND

Their workmen.

**Present:**

Sri R.K. Saran, Presiding Officer

**Appearances:**

For the Employers : None

For the workmen : Sri D. Mukherjee, Advocate

State: Jharkhand

Industry : Coal

Dated: 02.07.2015

**AWARD**

By order No. L-20012/402/1991-IR (C-1), dated 06-01-1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

"Whether the demand of Bihar Colliery Kamgar Union for regularization of S/Shri Bali Mallick and three others as Black Smith is justified? If yes, what relief the concerned workmen are entitled?"

**List of Workman is not attached with order of reference**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1775.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम



न्यायालय, नं० 1, धनबाद के पंचाट (संदर्भ संख्या 06/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं० एल-20012/99/2006-आईआर (सीएम-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1775.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2007) of the Cent.Govt.Indus. Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 31.08.2015.

[No. L-20012/99/2006-IR(CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1 DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act.  
1947.

#### Reference: No. 06/2007

Employer in relation to the management of BCCL.

AND

Their workmen

#### Present:

Sri R.K. Saran, Presiding Officer

#### Appearances:

For the Employers : Sri D.K. Verma, Advocate

For the workman : Sri D. Mukherjee, Advocate

State: Jharkhand

Industry - Coal

Dated: 02.07.2015

#### AWARD

By order No. L-20012/99/2006-IR(CM-1) dated 04.02.2007, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (I) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

"Whether the claim of Union from the management for employment of Shri Gopal Dubey, S/o late Suresh Dubey, who would have been beneficiary of the award in Supreme Court judgment dt. 12.08.2005 in

SLC© (ii) No. 13066/05, but for his death is justified? If so, to what relief is Shri Gopal Dubey entitled?"

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1776.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 34/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं० एल-20012/40/2007-आईआर (सीएम-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1776.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2007) of the Cent.Govt.Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 31.08.2015.

[No. L-20012/40/2007-IR (CM-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD.

#### Present :

Shri Kishori Ram,  
Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947

#### Reference No. 34 of 2007

**Parties :** The Working President,  
Jharkhand Mines Lal Jhanda Mazdoor Union,  
Godhur Railway Staff Quarter, PO: Kusunda  
Dhanbad.

Vs.

The General Manager,  
Bhowra Area of M/s. BCCL, PO: Khas  
Jeenagora, Dhanbad.

Order No. L-20012/40/2007-IR(CM-I) dt.  
12.07.2007

**Appearances:**

On behalf of the : Mr. Raghunandan Rai,  
workman/Union Ld. Rep. of the Union  
On behalf of the : Mr. Shekhar Sharma Ld.  
Management Advocate

State : Jharkhand Industry: Coal

Dated, Dhanbad, the 31st July, 2015

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/40/2007-IR(CM-I) dt. 12.07.2007.

**SCHEDULE**

"Whether the action of the Management of Jealgora Regional Hospital of M/s. BCCL in not allowing Shri Suresh Hari, Sweeper to join his duty is justified and legal? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/40/2007-IR(CM-I) dt. 12.07.2007 the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 34 of 2007 was registered on 24.07.2007 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Representative & Ld. Counsel respectively, and contested the case.

2. The case of workman Suresh Hari as represented in his written statement by the Union concerned is that he worked as the Sweeper Mazdoor at the Regional Hospital, Jealgora, where he had been getting treated for his illness since 09.10.2003. The Session Trial Case No. 53/02 had been pending against him since earlier, so he was sent to the Jail on 28.10.2003; hence he began to absent from his duty. Meanwhile, the Chief Medical Officer, the Regional Hospital, Jealgora, had issued the workman the charge sheet as per the office letter No. 1038 dt. 20.12.03 for his absentism. The workman also submitted to the Management his reply to it on 26.12.2003. Later on, he was released from the jail on the bail on 03.04.2004 as per the order of the

Hon'ble High Court, Jharkhand, Ranchi. Consequently, on his going to join his duty, the management instead of letting him join his duty ordered on 12.05.2004 at 11.00 A.M. for the departmental proceeding, appointing Mr. Ved Prakash, the Sr. Personnel Officer, as the Enquiry Officer as per the office letter No. 2004/3906-08 dt. 6.5.2004. Even the copy of the enquiry was not supplied to the workman. Despite the letter dt. 10.09.05 of the workman to the Chief Medical Office concerned, he was not allowed to join his duty. At last, it resulted in the reference for an adjudication.

The Union in its rejoinder for the workman has specifically denied all the allegations of the OP/Management as incorrect and baseless, further stating that though the workman was not found guilty, he was not allowed to join his duty, for which the workman through the Jharkhand Mines Lal Jhanda Mazdoor Union raised the Industrial Dispute before the ALC (C), Dhanbad on 26.09.2005, finally resulting in the reference under an adjudication. The Management in order to conceal their wrong got the workman out of the service on 24.5.2007 by causing to arbitrarily hold the enquiry into the charge sheet dt. 12/13.5.2006.

3. Whereas challenging the maintainability of the Industrial Dispute on law and facts, the contra case of the OP/Management is that in fact, workman Suresh Hari was a Sweeper in the Regional Hospital, Jealgora of BCCL. He reported his sickness on 09.10.03, but since then he was unauthorizedly absenting. His previous record of attendances for 186,171 and 202 days in the last three years 2001 to 2003 respectively indicates his habitual absentism. The workman had never informed the Management of under what circumstances he was put in the jail custody for which offences. Besides, the OP/Management in their simultaneous rejoinder have categorically denied all the allegations of the workman, further stating that the copies of enquiry papers were supplied to the workman. After finding his reply to the chargesheet unsatisfactory, the domestic enquiry was conducted in which he though participated, yet did not disclose of his conviction by the Court of Law for the offences u/s 342,307/34 of I.P.C. with Sec. 27 of the Arms Act. In view of the aforesaid circumstances, the workman was charge sheeted as per the Ref. No. 309 dt. 12, 13/05.2006 for his misconducts under clauses 26.1.19 and 26.1.20 of the Certified Standing Orders of the Company. But he did not reply to it, though he was directed to submit the same within seven days. So the domestic enquiry was held by Mr. R.D. Tripathy, P.M. Bhowra (S) in presence of Dr. S.P. Pandey appointed as the Management Representative therein. In the enquiry, the workman had fully participated and accepted his conviction in S.T. Case No. 53/02 wherein he was remanded to the Jail on 28.10.02, but was released on bail on 03.04.2004. The aforesaid Enquiry Officer in his enquiry report had held the workman guilty of the charges levelled against him proved for his misconducts. The reply of the workman to the Second

Show Cause Notice dt. 11.10.06 issued to him with the enquiry report and its proceeding was found unsatisfactory. Then the Competent Authority dismissed the workman from his service *w.e.f.* 24.5.07 as per the order dt. 24.3.07. So no question arises for allowing the workman to resume his duty on 10.09.2005 during the enquiry for the previous charge sheet.

#### **Finding with the Reasons**

4. In the instant reference, WW1 Suresh Hari, the workman for the Union concerned, has been examined, but the affidavit Chief dt. 13.8.13 of the Dr. Suresh Pd. Pandey in lack of his cross examination on behalf of the workman due to absence of the said Management witness on 18.12.13 is mere formality which is inadmissible in the eye of law, as the evidence of the OP/Management was closed on that very date.

The argument as per the written one on behalf of the workman is that workman Suresh Hari was a permanent employee of M/s. BCCL working as a sweeper at Jealgora Regional Hospital. He absented from his duty *w.e.f.* 09.10.2003 on account of sickness as per his outdoor Treatment slip (Ex.M.1 with objection). During his sickness, he was convicted and sentenced in St. No. 53/03 at Dhanbad and sent to jail on 28.10.2003. He was served with the 1st Chargesheet dt. 20.12.2003 (Ext. W.2) to which he had submitted his reply dt. 14/25.12.2003 (Ext. W.3). On appeal having been admitted in the Hon'ble High Court at Ranchi against his conviction, he was released from the jail on 03.04.2004 on bail. He reported for his duty, but he was not allowed by the Management to join his duty without any reasons, though he was never suspended. Subsequently he, was informed as per the Notice of the Enquiry dt. 5/6.5.2004 (Ext. W.4) about the enquiry. He participated in the enquiry, but he was not given any record of enquiry or its any information and never produced before the Tribunal. Further it has argued on the behalf of the workman that after more than one year without getting any information about joining his duty, he was made his one last request dt. 8.9.2005 (Ext.W.5) to the Management for his joining duty, but he was not allowed to do so. When he did not get any response from the Management, the workman raised the I.D. before the ALC(C) though the Union on 26.09.2005 through the Union, which finally resulted in the reference, due to the failure in its conciliation.

It is also submitted on behalf of the workman that after about one year of raising the Industrial Dispute before the ALC(C), the workman received the 2nd Charge sheet dt. 12/13.05.06 (Ext. W.2/1) to which he had also replied on 05.07.2006 (Ext. W.3/1 with objection) stating the 2nd Charge sheet issued mala fide; thereafter enquiry was conducted on 11.09.2006 in which the workman had also participated. On the Show Cause Notice (Ext. W.6) to him, the workman submitted his reply by challenging the findings of enquiry, even then the Management as per the letter dt. 24.05.2007

(Ext. W.7) dismissed him from service, though he had never hidden the facts of his conviction and sentence and remaining in jail; as such his termination from his service was quite illegal and justified, because the issuance of 2nd Chargesheet enquiry and dismissal on 24.05.2007 was an ex-post facto action of the Management. Moreover, not any documents as to the charges of specific misconducts of the Service order proved hence the petitioner is entitled to join his duty with full back wages, as the refusal of the OP/Management to the workman to join his duty is illegal and unjustified.

5. The arguments advanced on behalf of the OP/Management is that workman Suresh Hari was the sweeper in Jealgora Regional Hospital of M/s BCCL, but he was himself absenting from his duty *w.e.f.* 09.10.2003 for which he was initially issued the charge sheet No. 1038 dt. 20.12.203 (Ext. MW.2) by the OP/Management to which he submitted his reply 24.12.2003 (Ext. W.3) that he had reported his sick on 09.10.03 (Ext. w.1 with objection) and subsequently he was in jail custody, following his convicting by the FTC Court VIII, Dhanbad, for sentence in the S.Tr.No.53/2002 u/s 307/342 I.P.C. etc., then the Management issued him an afresh charge sheet dt.12/13.5.2006 for his misconduct under clause 26.1.19 and 26.1.20; he though unreplyed to it, yet participated in the enquiry proceedings as per Notice of Enquiry (Ext. W.4).

Further it has been argued on his behalf of the Management that after his appearance in the enquiry, he had admitted the fact of his conviction and sentence passed against him in the aforesaid Session case; Thereafter he was held guilty of the aforesaid misconduct; having received the receipt of enquiry report and Show Cause Notice (Ext. W.6), he also gave reply to it (Ext. W.3/1 with objection); and thereafter finding his reply unsatisfactory, he was dismissed from his service as per the order dt. 24.05.2007 (Exct. W. 7) which is quite just and proper in view of his misconducts proved under clauses 26.1.19 & 26.1.20 against him, as also admitted by the workman.

In view of the nature of the schedule to the Reference related to not allowing the workman to join his duty', it inevitably needs the determination of its incidental issue about the legal validity of the domestic enquiry against the workman.

6. On perusal and consideration of the materials available on the case record, it seems obvious that the workman as per his Out Door Ticket, which is dateless (Ext. W.1 with objection) is acknowledged to have informed the OP/Management of his sickness on 09.10.2003, since thereafter he had been absenting from his duty unauthorized without any information of his whereabouts; hence he was issued the charge sheet dt. Jan. 19, 2003 by the Dy. C.M.O., Jealgora Regional Hospital with a copy to the Dy. C.P.M., E.J. Area (Ext. W2) for his unauthorized absence as a serious misconduct under the Certified Standing Orders of the

Company, On the receipt of the Chargesheet by the workman being in the jail custody concerning the Session Trial case No. 53/2002. the workman submitted his reply dt. 24.12.2003 (Ext. W.3) to it about his inability to report for his duty. Thereafter another charge-sheet dt. 12/13.05.2006(Ext. W.3/1) was issued by the OP/Management for his specific misconducts under clauses 26.1.10 and 26.1.20 of the Certified standing Orders of the Company-particularly about "conviction by a Court of Law for any criminal offence involving moral Turpitude" and "any breach of the Mines Act 1952..." The Workman appears to have submitted his reply dt. 08.09.2005 to the Management (Ext. W.5 with objection) to the second charge sheet, mentioning his request for joining for duty after completion of his enquiry two years ago in which he had also participated. Notice of enquiry dt. 5/6.5.2004 (Ext. W.4) relates to the previous chargesheet dt. 20.12.2003 as contrasted with its original dt. Jan 19, 2003 (Ext. W.2) Thereafter, on the 2nd Show Cause Notice dt. 11.10.2006 (Ext. W.6) which is related to the aforesaid latter charge-sheet dt. 12.13.5.2006 (Ext. W.2/1), the workman was accordingly dismissed from the service of the Company with immediate effect as per the dismissal letter dt. 24.5.2007 (Ext. W.7). The entire proceedings no where reveals any fact of the suspension of the workman earlier in respect of his aforesaid two charge sheets.

7. In the instant case, on perusal of the materials on the case record manifests, as I observe and find the following points:

- (i) The department enquiry prima facie suffers from double chargesheets (Extt. W.2 and 2/1) firstly totally vague for unauthorized absentism and secondly for specific (on re-charge sheet after more than 3 years for misconduct of conviction in the Session Case issued against the workman But on the enquiry based on the latter chargesheet dt. 12/13/05/2006, the workman appears to have got dismissal for alleged misconduct of his conviction in the S.T., Case. It is well settled that when a charge based partially on relevant facts and partially on facts which are irrelevant or assumed, it is a serious defect in the charges which can not be sustained in law as held by the Hon'ble Apex Court in the case of Calcutta Dock Labour Board Vs. Jaffar Iman, reported in AIR 1966 SC 282; 1966 SCC211. It is now well established that vagueness in a chargesheet framed against an employee is a defect serious enough to vitiate the entire proceeding of a domestic enquiry which otherwise might have culminated in discharge, dismissal, removal from service or reduction in the rank of an employee as held in the case of Khemchand Vs. Union of India, 1959 (i) LLJ 167.

In the instant case, the second chargesheet dt. 12./13/05/2006 [Ext. W.2/1] following the reply of

the workman dt. 24.12.2003 [Ext. W.5] was issued to the workman for specific misconduct of his conviction in the S.T. Case;

- (ii) No suspension was ever effected by the OP/Management in natural course of their conduct even during the period of the entire enquiry proceeding.
- (iii) The petitioner workman appears to have clearly stated in his reply dt. 24.12.2003 [Ext. W.3] to his first charge sheet dt. Jan 19, 2003 his inability to attend to his duty due to unavoidable circumstances of his being in the jail custody for his conviction in his Session case.
- (iv) The dismissal of the workman only on the ground of his conviction in his aforesaid Session case is not unsustainable in the eye of Law.

8. Considering the aforesaid facts based on the materials available on the case record, the reference is responded and accordingly awarded that the action of the Management of Jealgora Regional Hospital of M/s BCCL in not allowing Shri Suresh Hari, Sweeper to join his duty is unjustified and illegal, hence the workman concerned is entitled to his reinstatement without his back wages for his absence period from his duty due to his unavoidable reasons maintaining his continuity of his service. The OP/Management is directed to implement the Award in a month from the date of its receipt following the publication of the Award in the Gazette of India by the Government of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1777.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 145/1998 146/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं० एल-20012/271/1997-आईआर (सी-1),

सं० एल-20012/272/1997-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1777.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Cenral Government hereby publishes the Award (Ref. 145/1998 & 146/1998) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial



dispute between the management of M/s. BCCL and their workman, received by the Central Government on 31/08/2015.

[No. L-20012/271/1997 - IR (CM-I),  
No. L-20012/272/1997 - IR (CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

#### PRESENT :

Shri Kishori Ram,  
Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1)  
(d) of the I.D. Act, 1947

#### REFERENCE NO. 145 OF 1998

With

#### REFERENCE NO. 146 OF 1998 (Amalgamated)

The Secretary,  
Bihar Colliery Kamgar Union, Jharnapara,  
Hirapur, Dhanbad

Vs.

The General Manager,  
Sudamdih Area of M/s BCCL, Dhanbad.

[Ministry's Order No.L-20012/272/97-IR  
(Coal-I) dated 15.05.1998]

[Ministry's Order No.L-20012/271/97-IR  
(Coal-I) dated 15.05.1998]  
respectively

#### APPEARANCES:

On behalf of the Workman/Union : Mr. D. Mukhrjee,  
Ld. Advocate

On behalf of the Management : Mr. Ganesh  
Prasad, Ld  
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd July, 2015.

#### AWARD

The Government of India, Ministry of Labour, in exercise of the Powers conferred on them under Sec. 10 (1) (d) of the I.D. Act, 1947 has referred the following disputes to this Tribunal for adjudication vide their Order Nos. referred to above going paras under Reference heads as per the Schedules:

#### SCHEDULE OF REF. NO. 145 OF 1998

"Whether the demand of the Bihar Colliery Kamgar Union in demanding regularization in respect of

S/Sh/Kishan Rewani, Natwar Bhattcharjee, Dulal Mahato, Gopal Bahadur, Bishan Rewani, Lal Moahan Rewani, Sukhdeo Singh and Jogesh Mukherjee as Cat. I Mazdoors in justified? If yes, to what relief are these workmen entitled?"

#### SCHEDULE OF REF. NO. 146 OF 1998

"Whether the demand of the Bihar Colliery Kamgar Union in demanding regularization in respect of S/ Sh. Ajit Singh, Dasarath Singh, Nand Gopal Mahoto, Rajesh Singh and Dhanu Singh as Cat. Mazdoor is justified? If yes, to what relief are these workmen entitled?"

2. Neither of the workmen S/Shri Kishan Rewani with seven others nor any of the workmen S/Sh. Ajit Singh with four others (of Amalgamated case) appeared nor any Representatives of Bihar Colliery Kamgar Union, Hirapur Jharnaapur, Dhanabd nor any witness on their behalf is present or produced. Mr. Ganesh Prasad, the Ld. Advocate for the OP/Management, namely, the G.M. Sudamdih Area, M/s BCCL, Dhanbad is Present.

From the perusal of the case records, it is evident that the instant Reference along with Ref. No. 146/98 since its amalgamation as per order No. 15 dt. 29.06.1999 has been pending for the evidence of the workmen since 19.1.2000 in spite of giving the workmen more than ample opportunities for the evidence of them, not a single witness on their behalf/the Union Representative has been produced so far. The Workmen and their Representatives by their conducts clearly appear to quite reluctant to produce or examine any of the workmen as witness in support of their claim for regularizations raised by their Union concerned. Since it is the oldest case of the year 1998, it appears that there is no longer any of the Industrial Disputes relating to regularization. Hence, the case along with the amalgamated one is closed as no Industrial Dispute existing. Accordingly an order of "No Dispute Award" is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

का.आ. 1778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 88/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं एल-20012/204/2004-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1778.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 31/08/2015.

[No. L-20012/204/2004-IR (CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

#### PRESENT

SHRI KISHORI RAM,  
Presiding Officer

In the matter of an Industrial Dispute Under Section  
10(1)(d) of the I.D. Act, 1947.

#### REFERENCE NO. 88 OF 2004

**PARTIES** : The Organizing Secretary,  
Rastriya Colliery Mazdoor Sangh,  
(RCMS), Rajendra Path, Post Box  
No. 22, Dhanbad.  
  
Vs.  
The Chief Engineer,  
Bhowra Coke Plant, PO: Bhowra,  
Dhanbad.  
Ministry's Order No L-20012/204/2004-  
IR(C-I) dt. 28.06.2004

#### APPEARANCES:

On behalf of the workman/Union : Mr. R.R. Ram  
Ld. Adv.  
  
On behalf of the Management : Mr. U.N. Lal, Ld.  
Adv.  
  
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 31st July, 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/204/2004-IR(C-I) dt. 28.06.2004

#### SCHEDULE

"Whether the demand of the Rastriya Colliery Mazdoor Sangh from the Management of Bhowra Coke Plant of M/s BCCL for giving the pay protection

of past pay with SPRA benefit to the workman Shri Raj Giri Singh, at the time of pay fixation on conversion from Piece Rate to Time rate is just and legal? If yes, what relief is the workman entitled to and from what date?"

On receipt of the Order No. L-20012/204/2004-IR(C-I) dt. 28.06.2004 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 88 of 2004 was registered on 30.07.2004 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union/ Petitioner and the O.P./Management through their own Ld. Counsels appeared respectively, and contested the case.

2. The case of the RCMS for workman Rajgiri Singh as stated in his written statement is that he had been working as M/Loader at Jealgora Colliery, Lodna area of M/s BCCL from May, 1981. The Management of the Colliery engaged him in Time Rated job in exigency. The H.Qr Management of M/s BCCL as per the letter No. BCCL/PA-I/Conversion/95/36822 dt/21/22/12/1995 approved his regularization as explosive Carrier as also communicated to him by the Colliery Management as per the letter No. GM/PER/XI/Conversion/96-/175-76 dt. 2/6.11.1996 as well as through the Office Order No. J.P.O./00/96/95 dt. 30.01.1996 of the Project Officer whereby the workman was regularized as Explosive Carrier in time Rated Category with initial basis pay of Category II. No sooner did the workman get the office order than he had represented to the Management for protection of his wages earned at the time of working as P.R. Worker in accordance with the procedure. The Management did not care for his several representations to that effect. Meanwhile, he was transferred to Bhowra Coke Plant.

Further stated on his behalf is that while fixing in category II, the basic of the workman was fixed at Rs. 66.86 in place of Rs. 88.88 on 6.1.1996, as he was being paid Rs. 22.02. as S.P.R.A. at the time of his regularization. Similarly situated persons S/Shri Surendra Hajra (Per No. 2735173) and others, then P.R. Workers were later on regularized as the Explosive Carrier in Cat. II with protection of wages. Their basic was fixed as Rs. 88.88, whereas the basic of the workman was fixed as Rs. 66.86. Likewise the basic pay of aforesaid Sri Surendra Hajra, the Explosive Carrier became Rs. 173.99 on 20.04.2001 but that of the workman as the Explosive Carrier stood Rs. 145.26 on the same date. The wrong fixation of the basic pay of the workman caused



huge financial loss to him per month. Though he had never applied for conversion, the Management had converted him from P.R. job to T.R. job in exigency. The action of the Management is unjustified, illegal and violative of Articles 12, 14 to 19 of the Indian Constitution. At last the Industrial Dispute raised before the A.L.C.(C), Dhanbad, due to its failure in conciliation resulted in the reference for an adjudication. So the demand of the Union for protection of the piece rated Wages of the workman with addition of S.P.R.A. in the pay of the Time Rated Category while converting in Time Rated Category with all consequential benefits *w.e.f.* 06.01.1996 is proper and justified.

3. The Union Representative in the rejoinder on behalf of the workman has specifically denied all the allegations of the OP/Management as concocted, imaginary and misleading, further alleging that once deployment in a higher category of any other work has been permanently made, the previous wages of the workman should be protected at the time of conversion into his new post.

4. Whereas, challenging the maintainability of the industrial dispute on the grounds of law and facts, the OP/Management has counter pleaded that it is not a valid industrial dispute u/s/ 2(k) of the I.D. Act, as the reference being vague is null and void. Moreover, the sponsoring Union has no locus standi to raise it as the workman is not a member of it. The reference is an abuse of the process of law as the instant reference based on irrelevant facts is unsustainable and unmaintainable, and an adjudication needs the reference on specific issue as required under the provision Sec. 10(4) of the I.D. Act. There is inordinate delay without any satisfactory merits whatsoever. The Workman posted at Jealgora Colliery was regularized from Piece Rated to Time Rated as Explosive Carrier in Cat. II, and thereafter on his transfer to Bhowra Coke Plant, he was released from Jealgora Colliery *w.e.f.* 1.06.96. It is an acknowledged fact that there was no working requirement of Explosive Carrier at the Coke Plant, yet he was posted there working as Pump Operator. His initial basic was fixed in the Time Rated Cat. II at Rs. 66.86 as on 6.1.1996 at that time the workers were being transferred from Jealgora Colliery to other underground Mines due to inundation of Jealgora Colliery. The workman was regularized as Explosive Carrier. But he got managed to his transfer to Bhowra Coke Plant instead of the Underground Mines of the Area on his consent. Prior to his transfer to Bhowra Coke Plant, he was converted into Time Rated Category II, and accordingly his initial basic pay for it was fixed at Rs. 66.86. The Management have rightly fixed initial Basic Pay of the workman, as also communicated by the Jealgora Colliery as also apparent from the LPC as also approved by the Competent Authority for his deployment with his aforesaid initial basic pay. As such there is no scope for Piece Rated worker on account of his option and acceptances for the Time Rated Category in Underground, but in this case in the Coke Plant.

There was no reduction in the basic wages of the workmen including the instant one as alleged by the Union. Therefore the claim of the Union for the pay protection of the workman with SPRA is unjustified; hence the workman is not entitled to any relief.

The OP/Management simultaneously but specifically has denied all the allegations of the workman/Union as incorrect, because the workmen including the petitioner were absorbed in different collieries due to inundation, but never in exigency. No representation whatsoever was received from the side of the workman.

### FINDING WITH REASONS

5. In the Instant Reference WW1 Raj Giri Singh, the workman himself and WW2 Jagdish Saw on behalf of the Union concerned and MW1 Sri Ajay Kumar Mehta, the Accountant on behalf of the OP/Management have been examined respectively.

The argument of the workman Rajgiri Singh is that the Management has regularized him as the Pump Operator in Cat.III in 2000 out of their own violation, but his SPRA was deducted by the OP/Management at the time of his transfer from Jealgora Colliery despite his documents of his SPRA having been filed before the Management. According to him, his SPRA is due to the OP/Management from the year 1996, though his colleagues/co-workers were given their SPRA by the Management.

On the other hand, just contrary to it, the contention of Mr. U.N. Lal, Ld. Counsel for the OP/Management is that the workman was converted from M/Loader in Piece Rated Category V-A to the Explosive Carrier for Time Rated job in Cat.II as per the Office order dt. 30.01.1996 (Ext. M.1); he had accordingly the initial basic pay of his Cat.II at Rs. 66.86 per day as per the office letter dt. 18.12.1996 (Ext.M1/1) which was never protested by the workman; that since his aforesaid conversion was as per his option, he was not given the protection of SPRA as per the Circular dt. 12/13.03.1999 as stated in its para II as such the pay protection of SPRA is not applicable to the workman. Further it has been contended on behalf of the O.P./Management that fixation of pay of the workman was effected in accordance with the rules of Company prevalent at the relevant time. So the action of the Union for the protection of the SPRA of the workman is not justified in view of his option for conversion on consensus.

6. On perusal and consideration of materials available on the case record, it is an acknowledged fact that the workman Rajgiri Singh as per the Office Order dt. 30.01.1960 (Ext.M.1) of the Project Officer, Jealgora Colliery was regularized in the Time Rated Category as the Explosive Career Cat. II, which was approved designation, for which he had got the initial basic of Cat.II @ Rs. 66.86. It was also

paid to him as admitted by the workman. Just after his conversion into the Explosive Career at the Jealgora Colliery from where he was transferred to Bhowra Coke Plant on the post of Pump Operator Cat.II and being so after 8 years of his service, he had got Cat.III and accordingly he retired. It also appear the acknowledged fact that his basic pay has been fixed Rs. 66.86, with the increment in the month of January (Increment Code A) as per the letter dt. 18.12.96 of the aforesaid Project Officer, Jealgora Colliery to the Chief Engineer, CO, Bhowra, BP & BH, Bhowra Area (Ext.M1/1). Since the workman and others had given their consent for their conversion from P.R. to TR, so he along with others was given the initial basic pay of his Cat.II. It is crystal clear that the pay protection with SPRA appears to be inapplicable for those who opted for conversion voluntarily at the relevant time (year 1995-96).

7. In view of the aforesaid finding, the reference is hereby responded and accordingly awarded that this is an industrial dispute u/s 2(k) of the Industrial Dispute Act, 1947, and that the demand of the Rastriya Colliery Mazdoor Sangh from the OP/Management of Bhowra Coke Plant of M/s BCCL for giving pay protection of petitioner workman with SPRA on his conversion from Piece Rated to Time Rated is neither just nor legal, as his conversion into Time Rated was effected on his option just as his colleagues did for it. Hence, the workman is not entitled to any relief from any date.

KISHORI RAM, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1779.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय जबलपुर के पंचाट (संदर्भ संख्या 177/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं एल-22012/123/1997-आईआर(सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1779.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 177/98) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Hasdeo Area of SECL, and their workmen, received by the Central Government on 31.08.2015.

[No. L-22012/123/1997-IR(C-II)]

RAJENDER SINGH, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/177/98

Regional Secretary,  
Rashtriya Colliery Workers Federation (INTUC),  
Hasdeo Area, Post South Jharkhand Colliery,  
Distt. Surguja (MP) ...Workman/Union

*Versus*

Chief General Manager,  
Hasdeo Area of SECL,  
Post South Jhagrakhand Colliery,  
Distt. Surguja (MP) ...Management

## AWARD

Passed on this 24th day of July 2015

1. As per letter dated 23-30.7.98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/123/97-IR(C-II). The dispute under reference relates to:

"Whether the action of the Chief General Manager, Hasdeo Area of SECL in promoting Shri Kanhaiya Singh to the post of Clerk Grade I in the year 1984 and in this way superseding Shri Ibu Khan and 10 other clerks of SECL, Hasdeo area Units and further promoting Shri K. Singh to the post of Special Grade Clerk in the year 1989 and again superseding Shri Ibu Khan and 10 other clerks is legal and justified? If not, to what relief Shri Ibu Khan and 10 other clerks are entitled?"

2. After receiving reference, notices were issued to the parties. Ist party RCWF submitted statement of claim at Page 4/1 to 4/4. Case of Ist party Union is that workman concerned Ibukhan and 10 others are presently working in different units of Hasdeo Area as shown in the Annexure A. That hierarchical order of promotion in the ministerial side is General Mazdoor, Clerk Grade III, Clerk Grade II, Clerk Grade-I, Special Grade, Office Superintendent. The requirement of promotion from General Mazdoor to Grade III, Grade III to Grade II and Grade II to grade I is on seniority cum merit with 3 years service. From Grade I to special Grade is 5 years service as Grade I or 8 years service out of which 5 years as Grade II and 3 years as grade I. From special Grade to OS, 5 years in special Grade. Upto special grade the process is seniority-cum-merit and from Special Grade to OS the same is merit-cum-seniority. That one Kanaiya Singh appointed in 1989 as loader was promoted to grade III clerk and Grade II in 1980, Grade I in 1984, Special Grade in 1989 and OS in October 1995. That Kanaiya Singh despite promoted as Grade II Clerk subsequent to

the workman concerned with the dispute No. 1 to 11 shown in the Annexure was promoted as Grade I clerk in 1984, superseding all workmen concerned is arbitrary and illegal. Representations against supersession were made and the same shall be filled separately along with the list of documents. However none of the representations received any consideration. The workmen were subjected to supersession in the year 1989 when Shri Kanaiyya Singh was promoted as Special Grade and they were ignored. It is submitted that promotion from Grade I Clerk as well as Clerk Special Grade, all the workman fulfilling eligibility conditions narrated in para-3 of the statement of claim. It is further submitted that Ranjit Das, K.M. Pandey, R.N. Chakravorty, R.N. Pandey promoted as Grade I Clerk subsequent to the workman from 1-9-86 order dated 28-9-86 were eligible for promotion as special grade clerk after completion of 3 years service as clerk Grade I plus 5 years service as clerk Grade II or 5 years service as clerk Grade I. In order to give undue benefit of promotion to the individuals personalized order was passed by the management on 20-6-88 giving notional seniority as Grade I clerk from 1-1-84 to the individuals in said order. That in the documentary evidence, said benefit was accorded to them for specific purpose providing eligibility for promotion as Special Grade in 1989. In November 1989, all of them were promoted as Clerk Special Grade.

3. That Shri R.N. Singh was promoted as Clerk Grade I and Clerk special Grade *vide* letter dated 12-6-86 along with workman. He was further promoted to the post of clerk special grade with 3 workmen Shri R.S. Tripathi, J.K. Shah and S.D. Sengupta on 23-11-94 giving undue benefit of notional seniority. That Shri R.N. Singh was promoted as Clerk Special Grade on 23-11-94. Seniority was allowed to Shri R.N. Singh as clerk special grade without holding said post. That Shri K.K. Srivastava working as Clerk Grade I from 1-1-1987 was junior to all those workmen, he was promoted as clerk special grade from 16-8-94 superseding the workman. Mr. P.K. Jha appointed as general mazdoor in 1981 junior to all the workmen was promoted as clerk special grade by order dated 11-2-1956 superseding all the workmen. It is submitted that in the past, the management has adopted the policy of pick and choose giving undue benefit to favourite one contrary to the principles of natural justice. It is further contented that management extended benefit to the workers in arbitrary manner is illegal. It amounts to unfair labour practice. On such ground, Ist party Union prays that workman be accorded promotion to the post of Clerk Grade I from 1-1-1984, clerk special Grade from 1-9-89, Office Superintendent from 1-10-95 with arrears of wages.

4. 2nd party filed Written Statement at Page 9/1 to 9/7 opposing claim of the workman. 2nd party submits that the promotion claimed by Ist party workman from 1984, dispute is raised in 1994 after lapse of 14 years is highly belated. The dispute is not tenable. The appropriate Government

should not have reffered on ground of delay and latches. The order of reference was challenged foiling Petition no. 1669/01. Writ Petition was pending for disposal. Application for stay was filed. Management was directed to file Written Statement on merit.

5. 2nd party submits it is company registered under Company's Act having office at Bilaspur. It is subsidiary of Coal India Limited. Hasdeo area is one amongst several area of the company. The terms and conditions of employees working in Coal industry are covered by NCWA. The settlement contains cadre scheme. Promotional channel are given in the cadre scheme. The promotions are given on recommendations of DPC and availability of post. The eligibility criteria is given in the cadre scheme for promotion of Clerk Grade I. Matriculation or equivalent from recognized board, 5 years experience as Grade I or 8 years service out of which 5 years as Grade II and 3 years as Grade I. There is no question of anomaly in Clerk Grade. W.r.t. one sub area unit to other sub area unit promotion up to clerk Grade I will be done at area level. The vacancy position report defers from sub area to other unit.

6. It is contented that promotion for Clerk Grade I to Sr. clerk Special Grade is area level upto technical and suptd. Grade B. Sr. Clerk Special grade on basis of seniority cum merit. That thus Clerk Grade I were promoted as per seniority cum merit. That thus Clerk Grade I were promoted as per seniority-cum-merit on recommendation of DPC in 1984. The Ist party workman connected with dispute did not qualify eligibility marks. They have not completed 3 years experience as clerk Grade I as per Cadre Scheme in January 1989 therefore they were not considered for promotion. The details of date of appointment and promotions to Clerk Grade III to II, I, Special Grade Clerk are given in para-13 of the Written Statement. It is reiterated that the reference made after 14 years is highly belated. The reference is not tenable. 2nd party prayed for rejection of claim for promotion to Ist party workman.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- |     |  |                |
|-----|--|----------------|
| (i) | Whether the action of the Chief General Manager, Hasdeo Area of SECL in promoting Shri Kanhaiya Singh to the post of Clerk Grade I in the year 1984 and in this way superseding Shri Ibu Khan and 10 other clerks of SECL, Hasdeo area Units and further promoting Shri K. Singh to the post of Special Grade Clerk in the year 1989 and again superseding Shri Ibu Khan and 10 other clerks is legal and justified? | In Affirmative |
|-----|--|----------------|



(ii) If not, what relief the workman is entitled to?"

Workmen are not entitled to any relief.

of Nandan Mine No. 1 of WCL, and their workmen, received by the Central Government on 31/08/2015.

[No. L-22012/90/2002-IR (CM-II)]

RAJENDER SINGH, Section Officer

### REASONS

8. Though dispute is raised by Union about superseding of Ibu Khan and 10 others in promotion as Clerk Grade I in 1984 and special Grade in 1989 promoting Kanaiya Singh. Union has failed to adduce evidence in support of his claim. Evidence of Ist party is closed on 9-3-2014.

9. 2nd party management filed affidavit of evidence of witness Shri B.V. Potan supporting contentions of 2nd party management. Management's witness says that cadre scheme of Ministerial staff clerk produced as Annexure M-1. Promotion is given on recommendation of DPC subject to availability of sanctioned post. The criteria for post of Sr. Clerk is matriculation from recognized board, 5 years service as clerk Grade I. that Shri Ibu Khan and 10 others did not qualify eligibility marks. They have not completed 3 years experience as clerk Grade I required under the Cadre Scheme in January 1989. The evidence of management's witness remained unchallenged. I do not find reason to disbelieve his evidence. The cadre scheme is produced at Exhibit M-1, M-2, Claim of Ist party workman is not supported by any evidence. Therefore I record my finding in Point no. 1 in Affirmative.

10. In the result, award is passed as under:—

(1) The action of the Chief General Manager, Hasdeo Area of SECL in promoting Shri Kanhaiya Singh to the post of Clerk Grade I in the year 1984 and in this way superseding Shri Ibu Khan and 10 other clerks of SECL, Hasdeo area Units and further promoting Shri K. Singh to the post of Special Grade Clerk in the year 1989 and again superseding Shri Ibu Khan and 10 other clerks is proper and legal.

(2) Workmen are not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1780.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट संदर्भ संख्या 154/02 को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं० एल-22012/90/2002-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1780.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 154/02 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

#### NO. CGIT/LC/R/154/02

Shri Kewaldas S/o Shri Bhikamdas,  
Damua No. 8, Park Road,  
Dholak Bhandar,  
PO Damua,  
Tehsil, Damua,  
Chhindwara  
..... Workman  
*Versus*  
Manager,  
Nandan Mine No. 1 of WCL,  
Kanhana Area, PO Nandan,  
Chhindwara  
..... Management

### AWARD

Passed on this 14th day of July, 2015

1. As per letter dated 31-10-02 by the Government of India Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/90/2002-IR (CM-II). The dispute under referenced relates to:

"Whether the action of the management of Nandan Mine No. 1 of WCL, Kanhana Area, PO Nandan, Distt. Chhindwara (MP) in dismissing Shri Kewaldas S/o Shri Bhikamdas from service *w.e.f.* 10-10-95 is justified? If not, to what relief the workman is entitled to?"

2. After receiving reference, notices was issued to the parties. Workman submitted statement of claim at Page 2/1 to 2/4. Case of workman is that he was working as casual labour. He was allotted Token No. 0531 in Nandan Mine No. 1. That his working with 2nd party was satisfactory. There was no complaint against him. He was appointed against permanent vacant post. He worked continuously more than 240 days with 2nd party. He acquired status of permanent employee. Chargesheet was issued to workman making false allegations. Workman submits that he was not feeling well. He could not contact medical officer of Kanhana Area Hospital at Junnardeo. Hospital issued Medical Certificate about his signatures. That he had submitted the application for leave. However deliberately management issued chargesheet with malafide intention. He further submits that once he was not in position to join duty being under treatment, he cannot be unauthorized absence from duty. That he had submitted medical

certificate along with application time to time to the department. He cannot be said absent from duty without intimation. The chargesheet issued to him is false.

3. That Enquiry Officer did not accord him proper opportunity for his defence. He was not allowed to produce his defence. Workman was held guilty in violation of principles of natural justice. Showcause notice was not issued to him for personal hearing on the point of quantum of punishment. The dismissal of workman amounts to unfair labour practice and colourable exercise of power.

4. Workman further submits that after his termination, he is out of employment. He is not gainfully employed anywhere. Workman and his family are living in starving conditions. Workman prays for answering reference in his favour. That reinstatement with backwages be allowed. It is further submitted that the absence alleged in chargesheet, workman was receiving treatment is concerned hospital. He had submitted application for leave. Punishment of dismissal is excessive. While workman was receiving treatment in hospital, his wife was also admitted in hospital. The absence of workman was beyond his control. Major punishment is imposed in case of misconduct involving moral turpitude. In this case, punishment of dismissal is excessive. On such ground, workman is praying for reinstatement with backwages.

5. 2nd party filed Written Statement at Page 5/1 to 5/11 opposing claim of the workman. It is submitted that workman was working as casual labour *vide* Token No. 0531 in Nandan Mine. Workman was habitual absentee. He remained absent from duty without intimation/sanctioned leave. Workman had no interest to work. He was given ample opportunity to improve himself but workman did not show any improvement in his conduct. The attendance particulars of the workman for the year 1992 to 1995 are given in Para-2 of the Written Statement. The working days are 81 days in 1992, 34 days in 1993, 19 days in 1994 & nil in 1995. The particulars of habitual absence of workman are shown in para-3 of the Written Statement. Chargesheet was issued to workman, no reply was filed by workman to the chargesheet. Enquiry was conducted against workman. Shri B.N. Prasad was appointed as Enquiry Officer and Shri H. Rehman as Management's representative. Enquiry was conducted on 8-8-94 & 25-9-95. Workman was absent on both the dates. Enquiry was proceeded ex parte. Statement of Shri Manohar Ramteke was recorded in support of chargesheet. He submitted attendance particulars of workman marked Annexure M-9. Enquiry Officer submitted his report. Charges against workman are proved considering serious nature of charge proved against workman. He was terminated on 10-10-95. 2nd party reiterates that employees of 2nd party are provided medical facility. 2nd party is running Burkui hospital in Chhindwara district. Said hospital has 200 beds. That specialized doctors were working there. Workman was not admitted in Burkui Hospital, any intimation was not given by workman about his absence from duty. Enquiry was conducted following

principles of natural justice. 2nd party has referred to ratio held in various cases emphasizing that claim of workman deserves to be rejected.

6. 1st party workman submitted rejoinder reiterating its contentions is statement of claim. That since workman is alleged to be working as casual workman, no enquiry can be conducted against him. That casual worker is defined under Para 3, 4 of the standing orders. That workman had worked more than 3 months from his appointment but he could not complete 180-240 days continuous service. All other contentions in Written Statement filed by workman are denied.

7. As per order dated 14-8-2012 passed by my predecessor enquiry against workman was found legal.

8. Considering pleadings on record and order on preliminary issue, the points which arise for my considering and determination are as under. My findings are recorded against each of them for the reasons as below:—

- |       |  |  |
|-------|--|--|
| (i)   | Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings? | In Affirmative                         |
| (ii)  | Whether the punishment of dismissal imposed against workman is proper and legal?               | In Affirmative                         |
| (iii) | If not, what relief the workman is entitled to?"   | Workman is not entitled to any relief. |

#### REASONS

9. Point No. 1—as per order dated 14-8-2012, enquiry conducted against workman is found proper and legal. Question remains for decision whether the charges alleged against workman are proved from evidence in Enquiry Proceedings. During course of argument, learned counsel for 2nd party Shri A.K. Shashi pointed out my attention to evidence in Enquiry Proceedings at Page 5/23 to 5/25. Enquiry was proceeded ex parte as per Enquiry Proceedings Page 5/23 dated 25-9-95. Statement of management's witness Manohar Ramteke in his statement says that he was working in the mine since 20 years. That workman was in habit of remaining absent from duty. Chargesheet No. 2071 was issued to workman on 18-7-94. Workman not given reply to the chargesheet. Enquiry Officer was appointed. Workman did not submit application for leave. He had not submitted certificate of his illness. The details of working days of workman are narrated by the witness 81 days in 1992, 34 days in 1993, 19 days in 1994 & nil in 1995. Workman was allowed to join duty during pending enquiry. The witness of management was not cross-examined. Notices issued to workman in the matter of enquiry conducted against him are produced at Exhibit M-5, M-6, M-8 already considered while deciding preliminary issue.

10. Learned counsel for workman Shri R.S. Verma pointed out my attention to the documents zerox copies produced by workman which are denied by the management. Document 6/19, 6/20 discharge note workman has not adduced valid evidence. When enquiry is found

legal, learned counsel for 2nd party Shri A.K. Shashi argues that to decide whether charges are proved against workman in evidence in Enquiry Proceedings should be considered, no other evidence could be adduced. On the point Shri A.K. Shashi pointed out my attention to proviso to Section 11(A) of ID Act. It is reproduced for convenience for purpose of clarity—

"Provided that in any proceeding under this section, the Labour Court, Tribunal or National Tribunal as the case may be shall rely only on the merits on record and shall not take any fresh evidence in relation to the matter."

Therefore zerox copy of document produced by workman cannot be considered for deciding whether charges against workman are proved. Exhibit W-1 produced by workman is office order dated 10-10-95 the workman was terminated. Shri R.S. Verma in his argument submits that workman in his cross-examination has explained that in 1995, he was ill. He was referred to WCL Hospital. He was admitted in hospital for 2 years. He submitted Sick Certificate. Prior to 1995 also he was suffering from illness. In view of proviso of Section 11-A reproduced above, the evidence cannot be considered. From evidence in Enquiry Proceedings, the charge of unauthorized and habitual absence against workman is proved. For above reasons, I record my finding in Point No. 1 in Affirmative.

11. Point No. 2—The charge against workman is proved as per my finding recorded in Point No. 1. At the time of argument, learned counsel for workman Shri R.S. Verma submits that workman was in service for 10 years. The punishment of dismissal imposed for unauthorised absence is excessive and illegal. Workman in his statement of claim has not disclosed date of his appointment. The evidence of workman shows he was working in Nandan Mine from 1984. He was dismissal from service on 10-10-95. Workman in is cross says he was receiving slip from hospital about his treatment. All those slips are produced by him in the office. He has produced slip Exhibit W-1. The date is not clear. Exhibit W-2, W-3, W-5 are prescriptions. W-4 is Medical Certificate dated 19-7-91. For the long absence of workman from duty, the punishment of dismissal cannot be said excessive. Therefore I record my finding in Point No. 2 in Affirmative.

12. In the result, award is passed as under:

- (1) The action of the management of Nandan Mine No. 1 of WCL, Kanhan Area, PO Nandan, Distt. Chhindwara (MP) in dismissing Shri Kewaldas S/o Shri Bhikamdas from service w.e.f. 10-10-95 is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1781.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के

प्रबंधन के संबंधित नियमों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट संदर्भ संख्या 39/2010 को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं. एल-22011/53/2009-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी  
New Delhi, the 31st August, 2015

**S.O. 1781.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 39/2010 of the Cent. Govt. Indus. Tribunal-cum-Labour, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, FCI Zonal Office West, Food Corporation of India, and their workmen, received by the Central Government on 31.08.2015.

[No. L-22011/53/2009-IR(CM-II)]

RAJENDER SINGH, Section Officer  
**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/39/2010**

The President,  
FCI Handling Workers Union,  
8654, Arakshan Road,  
Paharganj, New Delhi.

...Workman/Union

*Versus*

Regional General Manager,  
FCI, Regional Office,  
MP Chetak Bhawan,  
MP Nagar, Habibganj, Bhopal

Executive Director (West),  
FCI Zonal Office West,  
Dhiraj Arma Building,  
Nr. Kaneka Police Station,  
Bandra East, Mumbai,

Regional General Manager,  
FCI, Regional Office,  
Chhattisgarh Vidhan Sabha Marg,  
Pandri Raipur.

Area Manager, FCI,  
District Office, Durg  
Area Manager, FCI,  
Gurudwara Hall,  
Bilaspur

...Management

**AWARD**

Passed on this 15th day of July 2015

1. As per letter dated 16.6.2010 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947,



as per Notification No. L-22011/53/2009-IR(CM-II). The dispute under reference relates to:

"Whether the action of the management of FCI in allegedly transferring S/Shri Bhojram Manhilani & S.K. Suman from FCI, FSD, Betul & Datia to FCI, Raigarh & Durg respectively is legal and justified? To what relief are the claimants entitled for?"

2. After receiving reference, notices were issued to the parties. Ist party workman failed to appear in reference proceeding. Ist partys workman is proceeded exparte on 7.6.2013.

3. 2nd party has filed exparte Written Statement. Case of 2nd party is that FCI is corporation constituted under FCI Act 1964. It is undertaking of Central Government. The services conditions of employees of FCI are governed by Staff Regulation of 1973. That workman Shri Surendra Kumar Suman Yadav was servings in the post of Sardar, Bhojram Manhilani was serving in the post of Sardar in Betul Depot of FCI. They have submitted application for their transfer at Durg, Raigarh depot. On their request,s they were transferred as per order dated 14.11.08. Workmen were relieved as per order dated 21.11.08. Both workmen on their own made request for transfer. On their request, the order of transfers were issued, copies of applications submitted by Shri Surendra Kumar Suman Yadav and Bhojram Manhilani are produced as annexure with Written Statement. 2nd party submits that employees were transferred on their request. Order of transfer are not legal.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of FCI in allegedly transferring S/Shri Bhojram Manhilani & S.K. Suman from FCI, FSD, Betul & Datia of FCI, FSD, Raigarh & Durg respectively is legal and justified?	In Affirmative
(ii) if not, what relief the workman is entitled to?"	Workmen are not entitled to any relief.

#### REASONS

5. The dispute referred by Government pertains to the legality of transfer of workmen Shri Bhojram Manhilani & S.K. Suman from Betul & Datia depot to Raigarh & Durg depot. However workman failed to submit statement of claim. They have not participated in the reference. Exparte

Written Statement filed by 2nd party management and evidence of management's witness Shri Verma shows that both parties were tranferred on their applications. Workmen have failed to adduce evidence in support of their contentions neither they filed statement of claim therefore I record Point No. 1 in Affirmative.

6. In the result, award is passed as under:—

- (1) The action of the management of FCI in allegedly transferring S/Shri Bhojram Manhilani & S.K. Suman from FCI, FSD, Betul & Datia to FCI, FSD, Raigarh & Durg is legal.
- (2) Workmen are not entitled to any relif.

R. B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1782.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट संदर्भ संख्या 60/2005 को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं एल-22012/215/2004-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1782.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 60/05 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the managerment of Bhatgaon Area of SECL, and their workmen, received by the Central Government on 31.08.2015.

[No. L-22012/215/2004-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**No. CGIT/LC/60/05**

Shri Bimal Bose & 5 others,  
S/o Shri Satish Bose,  
Vill. Bhawanpur,  
Surguja (CG).

..... Workman

Versus

Chief General Manager,  
Bhatgaon Area of SECL,  
P.O. Bhatgaon,  
Surguja (CG)

....Management

**AWARD**

Passed on this 16th of July 2015

1. As per letter dated 6.7.05 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/215/2004-IR(CM-II). The dispute under references relates to:

"Whether the action of the management of Bhatgaon Area of SECL in terminating the service of Shri Bimal Bose and 5 others is legal and justified? If not, of what relief the workmen are entitled?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 5/2 to 5/5. Case of Ist party workman is that workman No. 1 to 6 were appointed as labour in 1980 under the management of Manager, Bhatgaon area of SECL. Shri Bimal Bose, Ramchandra, Nankaram, Dularsaya were allotted PF Account. Shri Ramanand and Daduram were not given GPF Account though the deduction of PF were made from them. Those workers were prevented from doing their duties declaring that their services were suspended for their absence from duties from 4.12.83. Workmen have contented that they were in regular service. They had completed 240 days continuous service for several years without any break. Workers had right for regularization of their service in view of Section 25 B of ID Act. Dispute of termination of services of all employees were raised by Union before ALC, Shahdol. During conciliation proceeding, management assured and undertaken to enquire into the matter on assurances and undertaking given by management, the conciliation proceeding was disposed.

3. Several representations were submitted by workers to the respondent. Enquiry was kept pending for long time. No notices for appearance were issued to them. In November 2002, the respondents (Committee) ordered to restore services of 18 labours out of 47 labours. Applicants were not provided appearance and hearing before enquiry committee. Workman served notice under Section 18 CPC through their counsel on 2.12.12. Respondent management did not respond to said notice. The dispute was again raised before ALC, Shahdol. After following the procedure dispute is referred by Central Government. Workman submits that their services are illegally terminated. The action of the management is discriminatory and arbitrary. Their services are terminated in violation of Section 25-F of ID Act. on such ground, workman prays for their reinstatement with back wages.

4. 2nd party field Written Statement at Page 9/1 to 9/3 opposing claim of the workman. 2nd party submits that workman Bimal Bose, Ram Chandra, Nanka Ram, Dularsaya, Ramanand and Dadu Ram were initially engaged as substitute workmen in Bhatgaon colliery. They were engaged as daily rated Category I mazdoor. Those workmen

were irregular in their attendance. They were unauthorisely absent. Workman had not given intimation or requested permission or obtained sanctioned leave. Their services came to end automatically as per standing orders. Dispute is raised after more than 7 years is not tenable. 2nd party management has referred to ratio held in various cases. 2nd party reiterates that the services of those workmen were terminated for unauthorized absence which is major misconduct. If this Tribunal comes to conclusion with DE was required to be conducted before termination of services of the workman. Managements reserves its right to prove misconduct against them. That employee has to perform his job delinquently and must not absent from work without sufficient case. Absenteeism is failure of the employee to report for which he had scheduled to work. 2nd party has contented that various facilities of free electricity, medical aid, educational facility, school bus etc. are provided to its employees. Anticipating 100% attendance for coal production. That coal is used for production of electricity. If coal production is affected, production of electricity will also be affected. All adverse contentions of workman are denied. It is denied that workman had completed 240 days continuous service. It is submitted that dispute is raised after long lapse of time is belated. The reference is not tenable. The services of workmen were terminated for unauthorized and habitual absence is legal.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of Bhatgaon Area of SECL in terminating the services of Shri Bimal Bose and 5 others is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workmen are not entitled to any relief.

**REASONS**

6. Point No. 1-workmen raised disputes challenging legality of their termination. As per workmen, they were engaged by 2nd party from 1980. They completed more than 240 days continuous service. Their services are terminated in violation of Section 25-F,G,H of ID Act. Rule 77 of ID Rules is also alleged. However the workman did not adduce evidence in support of their claim. The evidence of workmen was closed on 23.6.2011.

7. Management filed affidavit of evidence of Shri Somesh Das supporting contentions of 2nd party in Witten Statement. That for absence of the workmen, their services

came to end automatically from 4.12.1983 as per provisions of standing order. Ist party workmen failed to cross-examine witness of the management. His evidence remained unchallenged. Copy of standing order is not produced therefore in evidence of management's witness that services of workmen are automatically terminated as per standing orders cannot be accepted. However workmen have failed to adduce evidence that they were in continuous employment of 2nd party from 1980, they completed 240 days. Their services terminated without notice in violation of Section 25-F of ID Act is not supported by any thread of evidence therefore I record my finding in Point No. 1 in Affirmative.

8. In the result, award is passed as under:—

- (1) The action of the management of Bhatgaon Area of SECL in terminating the services of Shri Bimal Bose and 5 others is proper and legal.
- (2) Workmen are not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1783.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 96/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं एल-22012/348/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1783.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 96/07) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 31.08.2015.

[No. L-22012/348/2005-IR(CM-II)]

REJENDER SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR**

**No. CGIT/LC/R/96/07**

General Secretary,  
SC/ST/OBC Karmchhari Kalyan Parishad,  
9, Sanwer Road,  
Ujjain

.... Workman/Union

Versus

Sr. Regional Manager,  
Food Corporation of India,  
Regional Office, Chetak Building,  
Bhopal

District Manager, Food Corporation of India,  
64, University Road,  
Ujjain

.... Management

### **AWARD**

Passed on this 16th day of July 2015

1. As per letter dated 27.9.07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-22012/348/2005-IR(CUM-II) The dispute under reference relates to:

"Whether the action of the Sr. Regional Manager, Food Corporation of India, Bhopal in not considering the case of Shri Pratik Chhawand for providing him compassionate appointment is legal and justified? If not, to what relief Shri Pratik Chhawand is entitled?"

2. After receiving reference, notices were issued to the parties. Statement of claim is filed by Ist party workman claiming employment on compassionate ground. His father Heeralal Chhawand died on 20.7.99 leaving widow Lata Chhawand, Priti Chhawand, Deepmala Chhawand and Prateek Chhawand *i.e.* workman.

3. Management filed Written Statement opposing claim of workman raising preliminary objections and other contentions.

4. The application is filed by management for passing No Dispute Award. It is submitted that Ist party workman Prateek Chhawand comes under the scheme formulated by FCI for compassionate appointment. The appointment is offered to the workman. He has submitted joining report at District Office, Indore. Workman present before this Tribunal admitted contents of said application. Management's representative Amitabh Sharma also admits the contents of the application. The application is also supported by affidavit. The copy of offer of appointment to workman dated 14.11.2014 is produced on record. As the workman is given appointment on compassionate ground, the dispute between parties ceased to exist. Therefore award is passed as under:—

"Ist party workman is given appointment on compassionate ground, the dispute between parties ceased to exist. Therefore the dispute under reference is not decided on merit. The dispute under reference is disposed as parties settled their dispute outside."

R.B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1784.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 101/92) को प्रकाशित करती है जो केन्द्रीय सरकार को 31.08.2015 को प्राप्त हुआ था।

[सं एल-22012/25/1992-आईआर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1784.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 101/92) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Kumda Sub Area of SECL, and their workmen, received by the Central Government on 31.08.2015.

[No. L-22012/25/1992-IR (C-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/101/92

Shri Krishna Kumar Goyal,  
S/o Late Shri Om prakash Goyal,  
Gram Vishrampur,  
Distt. Surguja (MP)

....Workman

*Versus*

The Sub Area Manager,  
Kumda Sub Area of SECL,  
Post Vishrampur Colliery,  
Distt. Surguja (MP)

....Management

#### AWARD

Passed on this 22nd day of July 2015

1. As per letter dated 2.6.92 by the Government of India Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/25/92-IR (C-II). The dispute under reference relates to:

"Whether the action of the Sub Area Manager, Bisrampur Sub Area of SECL Post Bisrampur Colliery in dismissing Shri Krishna Kumar Goyal, Casual Mazdoor from company's services w.e.f. 14.4.86 is legal and justified? If not, to what relief is the workman entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 4/1 to 4/6. Case of workman is that he was employed by 2nd party on post of casual employee since 1984. He was continuously working without break. He was given all benefits of permanent employee. The order of his dismissal was issued by 2nd party on the basis of chargesheet issued to him. The chargesheet issued to him was based on complaint lodged by Shri B.K. Lal. chargesheet was replied by him. Enquiry was conducted against him. During pendency of departmental proceedings, workman was prosecuted in criminal case on complaint by Shri B.K. Lal. Criminal case was pending before Judicial Magistrate Bikundpur, Distt. Surguja. Enquiry was continued against him. his request to stay departmental proceeding was not considered. The criminal case and chargesheet issued to him were based on same set of facts and evidence. Workman was acquitted as per order dated 27.3.91 in criminal case No. 60/90 by Additional District Judge, Bikundpur, Surguja. As Competent Court acquitted workman, the department was not justified to conduct Departmental Enquiry against him. In view of his acquittal in criminal case, workman deserves to be reinstated with full back wages.

3. Workman further reiterated that enquiry conducted against him is illegal. Principles of natural justice were violated. Copy of complaint on which the chargesheet was issued was not replied on his request. In absence of the copy of complaint, workman could not prepare his defence properly. It resulted in prejudice to the workman, The prosecution witnesses could not be cross-examined. During enquiry, workman had requested assistance of Union leader for his defence. Management turned down said request. That management's witness Shri B.K. Lal was committed to give his statement by reading and hand notes in the Enquiry Proceedings. Similarly management's witness was permitted to give his statement reading the statement brought by him. It is reiterated that workman is not acquainted with him. He studied only 5th standard. The Enquiry proceeding was recorded in English. It resulted prejudice to the workman, principles of natural justice were violated. That Enquiry Officer recorded finding that charges were proved against him. No. showcause notice was issued to workman. Punishment of dismissal was imposed is illegal. The findings of Enquiry Officer are perverse. Ist party workman was subjected to harassment. The action of the management dismissing from service is illegal. The chargesheet issued to him doesnot constitute misconduct under standing orders. On such ground, workman prays for his reinstatement with backwages.

4. By amendment, workman pleaded that management was prejudiced against workman. Since his appointment, he was subject to unfair labour practice, inhuman exploitation. That complainant Shri B.K. Lal, Electrical and Mechanical Engineer was not concerned with Drivers/



Tipper Operators. The matter was not concerned within the discipline of Electrical and Mechanical Department. Workman was working as piece rated worker. He could not be ordered to drive tipper or any other vehicles. On his refusal to unauthorized orders, he was subjected to disciplinary action. Report of Enquiry Officer is not cogent. The punishment imposed without approval of the owner or Competent Authority as per Clause 17(ii) of standing orders. Workman prays for his reinstatement with backwages.

5. 2nd party filed Written Statement at Page 7/1 to 7/2 opposing claim of the workman. 2nd party contents that workman was working as casual labour. Casual labours are given employment to the job of casual nature. As soon as job is completed, they have no right to continue in service. As a gesture of good will, workman was engaged as casual mazdoor as he was residing in vicinity of the colliery. Workman was issued chargesheet for assaulting his superior Shri B.K. Lal who was Shift Incharge. Workman abused Mr. Lal and threatened him in dire consequences. Reply to the chargesheet was not found satisfactory. Enquiry was conducted against workman. Workman had participated in enquiry alongwith his co-worker. Full opportunity for his defence was given to the workman. Principles of natural justice were followed. After conclusion of enquiry, workman was dismissed on basis of proved misconduct. In case DE conducted against workman is found vitiated, management be allowed to prove misconduct on merit adducing evidence. Workman is not entitled to any reliefs. Management could not repose confidence on such arrogant and disobedient casual mazdoor who refuse to obey reasonable order of his superiors. Management further submits that it is extremely dangerous to keep such person in employment, it is not in interest of workman or management. The workman cannot be reinstated as he may create further unrest.

6. As per order dated 14.5.2013, enquiry conducted against workman was found illegal. Management was permitted to prove misconduct adducing evidence.

7. Considering pleadings on record and findings on preliminary issued, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:

(i) Whether the charges alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of dismissal imposed against workman in proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

## REASONS

8. As staed above enquiry against workman is found illegal as per order dated 14.5.2013. The charges against workman was of (i) willful insubordination or disobedience under Clause 17(1)(C), fighting or riotous disorderly or indecent behavior while on duty at place of work under Clause 17(1) (e), causing willful damage to work in progress under Clause 17(1)(i), threatening, abusing or assaulting any superior or co-worker under Clause 17(1)(r) & any breach of the Mines Act, 1952 or any other act of any rules, regulations or byelaws thereunder or of any standing orders under Clause 17(1)(q). Management has been permitted to prove misconduct adducing evidence. Management has filed affidavits of witness Anand Pathak, Ansari, B.C. Sethi, B.K. Lal. Shri Anand Pathak in his affidavit of evidence says on 20.2.86, he was assigned duty in Ist shift for taking out ropes from Kumda colliery. Around 12.30 hours, Shri B.K. Lal and Mr. A.K. Sarkar were standing welding shed. Workman Krishna Kumar and other person reached to the place, workman had pulled Mr. B.K. Lal and inflicted blows by a wooden stick. He had taken away Shri Krishna Kumar, the workman. he had snatched wooden stick from him. Workman and other unknown person left the place giving indecent abuses. Shri Anand Pathak in his cross-examination says on 26-27/2/86, he was working as casual labour. He had seen incident dated 28.2.86. He had not seen judgment passed by Session Judge in Criminal case. He was not examined as witness in criminal case. His statement was recorded in Enquiry Proceedings. He claimed ignorance how unknown person had come to the colliery. He denies that he had not seen workman inflicting blows by wooden stick. The stick was not seized. The evidence of Anand Pathak is silent that workman had inflicted blows by wooden stick on Mr. Lal.

9. Management's witness Kamruddin in his affidavit of evidence says he was working in Ist shift on 27th February 1986 as time keeper. Shri B.K. Lal had given a slip that Krishna Kumar instead of Ist shift would work in 2nd shift on 28.2.86. At that time, workman had not come. He told Driver and Tripman present to tell workman Krishna Kumar that he should attend 2nd shift on 28.2.86. In his affidavit, Shri Kamruddin Ansari says that Mr. Lal told workman to work in 2nd shift. Around 12.30 hours, when he came out of office, he had seen Anand Pathak, Ashok Kumar were bringing Krishna Kumar towards Sub Area Office. Shri Ashok Kumar was having wooden stick in his hand. In his cross-examination, Kamruddin says in February 86, he was working in colliery as time keeper. he was doing writing work in the office. He was not examined as witness in criminal case. The statement was recorded in Enquiry Proceedings. He had not seen order passed by District Court dated 27.3.91 but he had not seen the workman inflicting blow by wooden stick, he had not reported incident to police. Thus evidence of Shri Ansari is not supporting the allegation of management that workman had inflicted with wooden stick



on Mr. Lal. He says that he had heard about it. The hear say evidence is not sufficient. Shri B.C. Sethi in his affidavit of evidence says workman was working as casual mazdoor at Kumda. On 27.2.86, workman was directed to attend the duty in 2nd shift on 28.2.86. Workman had assaulted Mr. Lal and also abused and threatened him on dire consequences. His affidavit is further devoted on point of chargesheet issued to workman and prosecution of workman for offence under Section 323 IPC. In his cross-examination, Shri Sethi says he was not in service in 1986, he is working in Kumda colliery from 97 to 2013. He filed affidavit as per the records. He was not witness to the incident. The evidence of Shri Sethi is also supporting allegation of management that the workman assaulted Shri B.K. Lal.

10. Affidavit of evidence of Shri B.K. Lal is filed. He has stated that in his affidavit on 28.2.86 around 12.30 hours he was in Kumda incline No. 3, 4 presently called Incline No. 7, 8. Krishna Kumar *i.e.* workman had come with wooden stick along with unknown boys. They were saying who will save him, they will shoot him, they were not worried of their job. They had also abused and said who will save him if he was shot. Krishna Kumar workman was having wooden stick started inflicting blows on his left side buttock and leg. He fell down. The unknown person accompanying workman was also abusing him. Shri A.K. Sarkar, Ashok Kumar, saved him. In his cross-examination, witness Shri B.K. Lal says his evidence was recorded in Surguja Court. He claims ignorance whether workman was acquitted. He denies that he falsely implicated workman. The evidence of Shri B.K. Lal is not shattered in his cross-examination. They copy of judgement in Appeal No. 60/90 is produced in which workman was acquitted. From reading of judgment, para-11 it is clear that witness Ratan Vishwakarma, Ratpal Singh were not examined in criminal case. Evidence of witness Shri B.K. Lal, Das were examined. Para-13 of the judgment is clear that eye witness Shri L.K. Das not supported prosecution. He had not seen police seized wooden stick from workman. Witness Arun Kumar Sarkar Manager in his evidence says he was standing near welding shed. At that time Krishna Kumar workman came with wooden stick accompanied with its associates towards Lal and inflicted blow on his leg. Mr. Lal while going back fell down. Wooden stick was snatched from accused. Witness Shri B.K. Lal *i.e.* complainant has deposed that on 28.2.86, he was standing out of the office. The accused came and started beating him. It was observed that evidence of both witnesses were not consistent. The names of witnesses were not written in FIR. In Para 19 of the judgment in criminal appeal 60/90, it is observed that Dr. P.C. Jain had found injuries on left toe of Vijay Kumar and contusion over left buttock. His evidence was not accepted observing he was not eye witness to the incident.

11. The burden of proof in DE is not similar to the burden of proof in criminal case. The legal position is settled that

in DE, probabilities are to be considered. The evidence of Shri B.K. Lal who was inflicted injuries by wooden stick by workman is not shattered. Even in criminal case, Shri B.K. Lal has deposed about inflicting blows by workman Krishna Kumar. Absolutely there is no reason why evidence of Shri B.K. Lal should be disbelieved if his evidence in cross-examination is seen.

12. Workman died during pendency of reference proceeding. His LRs are brought on record from evidence of management's witness Shri B.K. Lal, it is established that workman had inflicted injuries on him. The other management's witness Anand Pathak, Ansari, Sethi are not corroborating Shri B.K. Lal on the point of inflicting blows by deceased workman but presence of workman and abusing Shri B.K. Lal is corroborated by the witnesses.

13. Learned counsel for management Shri A.K. Shashi has relied judgment in Writ petition 2584/95. Considering Para-20 of the judgment, I find that the facts of present case are not comparable and the judgments relied cannot be beneficially applied. However from evidence of Shri B.K. Lal, charge under Clause 17(1)(r) is proved against workman.

14. Point NO. 2-In view of my finding in Point No. 1 charge under Clause 17(1)(r) is proved against deceased workman assaulting, threatening, abusing supervisors inflicting blows on Shri B.K. Lal, Superior of deceased workman. The proved charge against deceased workman is of very serious nature. The punishment of dismissal against workman therefore cannot be said disproportionate. For above reasons, I record my finding in Point No. 2 in Affirmative.

15. In the result, award is passed as under:—

- (1) The action of the Sub Area Manager, Bistrampur Sub Area of SECL Post Bistrampur Colliery in dismissing Shri Krishna Kumar Goyal, Casual Mazdoor from company's services *w.e.f.* 14.4.86 is proper and legal.
- (2) The reference is answered in favour of the management and against the deceased workman.
- (3) Parties to bear their respective costs.

R.B. PATLE, Presiding Officer

नई दिल्ली, 31 अगस्त, 2015

**का.आ. 1785.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी०एम०पी०डी०आई०एल० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ

संख्या 208/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31/08/2015 को प्राप्त हुआ था।

[सं० एल-22012/289/1994-आईआर (सी-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 31st August, 2015

**S.O. 1785.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 208/94) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of CMPDIL, and their workmen, received by the Central Government on 31/08/2015.

[No. L-22012/289/1994-IR (C-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR

#### COURT, JABALPUR

#### NO. CGIT/LC/R/208/94

The Secretary,  
Singrauli Koyla Mazdoor Sangh (AITUC),  
Singrauli, Post Jayant Colliery,  
Distt. Sidhi (MP)

.....Workman/Union

*Versus*

Regional Director,  
CMPDIL, RI-VI,  
Singrauli-CWS Colony,  
Post Jayant Colliery,  
Distt. Sidhi (MP)

.....Management

#### AWARD

Passed on this 23rd day of July, 2015

1. As per letter dated 15-11-94 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section - 10 of I.D. Act, 1947 as per Notification No. L-22012/289/94-IR (C-II). The dispute under reference relates to:

"Whether the action of the Regional Director, Coalmine Planning & Design Institute Ltd. RI-VI Singrauli in penalising Shri Pritam Kumar, Ringman by way of withholding two year increments is legal and justified? If not to what relief is the workman entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party Koyla Mazdoor Sangh Union is that workman Pritam Kumar working as Ringman with Non-applicant is active Trade Union Worker. He had raised certain demands with the management. Along with other

office bearer of Union related to drinking water, electricity in workers colony and office. Management was annoyed with workman and issued chargesheet dated 21-1-93. Workman denied charges. Management conducted enquiry. On the findings of Enquiry Officer, punishment of stoppage of increment for two years was imposed on 7-8-92. Union submits that enquiry conducted against workman in violation of natural justice. Enquiry Officer denied relevant documents to the workman. Disciplinary Authority not supplied Enquiry Report even after demand by workman as per letter dated 31-5-92. It caused prejudice to the workman. Reliance is also placed in ratio held in case of Mohd. Rehman reported in 1991-SCC-588. The punishment imposed on vitiated enquiries be called back.

3. 2nd party filed Written Statement at 6/1 to 6/3 opposing claim of Union 2nd party submits that chargesheet was issued to workman related to serious misconduct. Workman forced other employees not to go to their work assembled them to come to CMPDI. Work progress was adopted. He had forced the executives of the camp to come with him. Because of the act committed by workman Pritam Kumar, chargesheet was issued. The reply given by workman was found unsatisfactory. Shri N.C. Narula, Dy. CME was appointed as Enquiry Officer. Detailed enquiry was made for the charges against workman. Enquiry was conducted on various dates. Enquiry Officer submitted his report dated 5-10-91 holding charges against workman proved. Management examined 5 witnesses before Enquiry Officer. All the witness were cross-examined by co-worker. Workman to examine any witness in his defence. Competent Authority considering findings of Enquiry Officer imposed punishment of withholding increments for 2 years. Workman was given full opportunity for his defence. If enquiry is found vitiated, management requested permission to prove misconduct by leading evidence. 2nd party submits that its action is justified.

4. Union submitted rejoinder at Page 8/1 to 8/3 reiterating its contentions in statement of claim.

5. *Vide* order dated 15-1-2014 enquiry conducted against workman is found legal.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- |   |                |
|---|----------------|
| (i) Whether the charges alleged against workman is proved from evidence in Enquiry proceedings?           | In Affirmative |
| (ii) Whether the punishment of withholding of two increments imposed against workman is proper and legal? | In Affirmative |

(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.
--	--

### REASONS

7. Enquiry conducted against workman is found legal as per order dated 15-1-2014, question remains whether charges alleged against workman are proved from evidence in Enquiry Proceedings. The record of enquiry proceedings is produced at Exhibit M-5. Witness No. 1 Shri Sinha in his statement before Enquiry Officer says he was working as Sr. Geologist at Singrauli. He had received information from Shri N.K. Das. He reached to the place. He and Mr. Das were forcibly taken in jeep to Head Office. His statement is also devoted on the point that when he went to Mr. Das, he was gheroad, he was not permitted to go out. They were forcibly taken to the head office. He has disclosed name of Shri Pritam Kumar (workman), Shri S.S. Shukla, V.K. Verma were among the persons gheroaded them. Witness No. 2 to 5 also supported the allegations of management namely Shri P.K. Sarkar, N.K. Das.

8. Learned counsel for Ist party Shri R.C. Shrivastava did not advance any argument about evidence before Enquiry Officer. Rather Shri R.C. Shrivastava argued that Disciplinary Authority not considered findings of Enquiry Officer; extraneous matters were considered while imposing punishment as per document 9/36 referred to certain complaints. The punishment was imposed without application of mind considering extraneous matter and therefore punishment is illegal.

9. Learned counsel for 2nd party Shri A.K. Shashi submits that Dy. Personal Manager did not pass order of punishment. The recommendation was of Dy. Personal Manager was not binding on the Disciplinary Authority, any adverse inference cannot be drawn. The punishment of withholding two increments was imposed considering the charges of illegal strike, its enquiry is found legal. The matter cannot be considered again. That powers under Section 11-A of ID Act could not be exercised in case of discharge, dismissal of employees. That action of the management withholding two increments of workman Pritam Kumar considering findings of Enquiry Officer is legal.

10. Reliance is placed on ratio held in Case of South Indian Cashew Factories Workers Union versus Kerala State Cashew Development Corporation Ltd. and others reported in 2006(5) SCC 201. The Bias against Enquiry Officer must be specifically pleaded and proved before he adjudicator. Raising of such plea in the present case for the first time before Supreme Court deprecated.

Enquiry is held legal as per order dated 15-1-2014. Said findings is not open for consideration. Therefore the ratio cannot be applied to case at hand. The enquiry Report is produced at Page 9/30 to 9/35. Other complaints, order of punishment would not be rendered when findings of

Enquiry Officer are supported by evidence of 5 management's witnesses, no argument are advanced by learned counsel for workman quality of evidence therefore I record my finding in Point No. 1 is Affirmative.

11. Punishment of withholding two increments is imposed by Regional Director as per Exhibit M-6. Shri R.C. Shrivastava, Advocate for Ist party pointed out my attention to the reference of other complaints in punishment order is extraneous, matter considered while imposing punishment; it was argued that therefore punishment is illegal. When charge against workman Pritam are supported by evidence of all 5 management's witnesses, reference of other complaints in punishment order cannot render the punishment illegal. The punishment of withholding two increments of workman cannot be said excessive, disproportionate considering the nature of the charges proved against workman. Therefore I record my finding in Point No. 2 in Affirmative.

12. In the result, award is passed as under:—

- (1) The action of the Regional Director, Coalmine Planning & Design Institute Ltd. RI-VI Singrauli in penalising Shri Pritam Kumar, Ringman by way of withholding two year increments is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2015

**का.आ. 1786.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 138/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/09/2015 को प्राप्त हुआ था।

[सं० एल-22012/68/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 2nd September, 2015

**S.O. 1786.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 138/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Manderboni Colliery under Pandaveshwar Area of ECL and their workmen, received by the Central Government on 02/09/2015.

[No. L-22012/68/2005-IR(CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, ASANSOL.****Present:** Sri Pramod Kumar Mishra,  
Presiding Officer**REFERENCE NO. 138 OF 2005****Parties:** The management of Mendarboni Colliery  
of M/s. ECL, Burdwan.

Vs.

Sri Pairu Bhuiya

**Representatives:**

For the Management : Shri P.K. Das, Ld. Advocate

For the Union (Workman) : None

Industry : Coal State : West Bengal

Dated-07.07.2015

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its Order No. L-22012/68/2005-IR(CM-II) dated 08.12.2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

"Whether the action of the management of Manderboni Colliery under Pandevshwar Area of M/s Eastern Coalfields Limited in dismissing Sh. Pairu Bhuiya, U.G. Loader, U. M. No. 118301 from service *w.e.f.* 15.10.2003 is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order of Letter No. L-22012/68/2005-IR(CM-II) dated 08.12.2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 138 of 2005 was registered on 23.12.2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri P.K. Das, Ld. Adv. of the management appeared. But none appeared on behalf of the workman.

On perusal of the case record I find that compromise (Form 'H') has been filed by the parties and workman has joined. The reference is decided on the basis of compromise filed by the parties. Since the workman has already been reinstated the case is closed and accordingly an award on

**settlement** may be passed. Settlement is to form a part of award.

Considering the above facts, the case is closed and accordingly it is awarded that the case has been settled as per Form 'H' memorandum of settlement between both the parties as an integral part of it. The terms and conditions of the settlement shall be binding upon both the parties. Hence, it is ordered

**ORDER**

Let an "Award" be and the same is passed as per above discussion. Form 'H' containing terms and conditions does form as an integral part of the Award. Send the copies of the award to the Govt. of India, Ministry of Labour & Employment, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2015

**का.आ. 1787.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन टेलीफोन इंडस्ट्रीज, लखनऊ के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ सं. 01/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 01/09/2015 को प्राप्त हुआ था।

[सं एल-40012/56/2007-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 2nd September, 2015

**S.O. 1787.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 01/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the industrial dispute between the employers in relation to the management of the Indian Telephone Industries, Lucknow and their workman, which was received by the Central Government on 01/09/2015.

[No. L-40012/56/2007-IR(DU)]

P. K. VENUGOPAL, Desk Officer

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, LUCKNOW****Present :**

RAKESH KUMAR, Presiding Officer

**I.D. No. 01/2008**

Ref. No. L-40012/56/2007-IR (DU) dated 27.12.2007



**BETWEEN**

Mr. Mahesh Kumar Dhanuk S/o Late Sri Lalle  
R/o 2, DGP Road, Bhuiyan Devi Mandir  
Narhi, Lucknow

**AND**

The Dy. General Manager (Sales Service Divn.)  
Indian Telephone Industries  
I.T.I. Bhawan, Vibhuti Khand, Gomti Nagar  
Lucknow

**AWARD**

1. By order No. L-40012/56/2007-IR (DU) dated 27.12.2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Mr. Mahesh Kumar Dhanuk S/o Late Sri Lalle and the Dy. General Manager (Sales Service Divn.) I.T.I. Lucknow for adjudication.

2. The reference under adjudication is:

"Whether the action of the Management of Indian Telephone Industries, Lucknow, in terminating the services of their workman Shri Mahesh Kumar Dhanuk w.e.f 01.09.1998 is legal and justified? If not, to what relief the workman is entitled to?"

3. The claim statement A1-3 has been filed on behalf of the workman, it has been stated therein that the workman was employed as Sweeper w.e.f. 01.11.1987, he had continuously worked with the employers up to 31.08.1998, was employed for more than 240 days in each completed year of service. It has further been stated suddenly his services were terminated on 01.09.1998 without any bonafide reason, at that time he was being paid Rs.440/- p.m. as his monthly salary.

4. the workman has emphasized that at the moment of termination, the workman was neither given one month's notice or pay in lieu thereof nor any retrenchment compensation, hence, the employers have violated the provisions of section 25-F of the I.D. Act, consequently the termination of the workman is illegal, arbitrary and contrary to the law of land. It is submitted pertinently that as the employers have also violated the provisions of section 25-G and 25-H of the I.D. Act, inter alia by way of not adopting the principle of "Last Come First Go" therefore, the termination of workman is also wrong and unfair labour practice under the Act. The workman made a protest against his termination vide his notice dated 10.09.1998 sent to the employers and asked them to reinstate in the services with all benefits, but the employers paid no heed towards his request, hence, filed a case u/s 2-A of U.P. I. D. Act, before the Regional Conciliation Officer, which had later been referred by the state government to the Industrial Tribunal-VI, Lucknow. In the meantime the Industrial Tribunal-VI had been transferred to Gorakhpur, hence, the case of the workman was transferred to Industrial

Tribunal-II, Lucknow, where it was registered as Adj. Case No. 291 of 2001.

5. The Industrial Tribunal-II vide its award dated 14.02.2002 held that the state government was not an appropriate government to refer the case; consequently, it had no jurisdiction to adjudicate the case. Consequently the matter was referred to this Tribunal. The workman has stated that his termination is illegal, wrong and arbitrary and unfair labour practice was adopted. He has prayed for his reinstatement along with all consequential benefits.

6. The management has filed written statement M-8 wherein it has been stated that there was no sanctioned post of Sweeper in the establishment, the applicant was private Safai Karmchhari, for cleanliness of lanes of Halwasiya Market building. The shop owner used to pay him some amount for his work. The opposite party has stated that Regional Office of I.T.I. Ltd. was at III floor Halwasiya Building, where the applicant approached the management for cleaning work at the office on the contract basis; approximately he used to do the same for about an hour. It has further been stated in the written statement that the Regional Office of the I.T.I. Ltd., was shifted to I.T.I. Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow in August 1998, the maintenance as regards water, electricity supply and cleaning of the said building was entrusted to another unit of I.T.I. Ltd., i.e. I.T.I., Mankapur. The contract work available for applicant was limited to the regional office at Halwasiya only after the transfer of the office to Gomti Nagar, his contract automatically ended.

7. The management has stated Sh. Mahesh Kumar Dhanuk was never engaged as employee as per the service rules of I.T.I., he was working on contract part time for an hour or so, Regional Office at Halwasiya Market. The I.T.I. Ltd., had no control on his work. He was at liberty and sweet will to come for work or not, occasional he did not come for work, the work of sweeping was got done by some other person on payment.

8. The main allegation of the claim statement have been denied by the management, it has been emphasized that applicant was never employed as such he was never terminated, hence the question of giving one month's notice or pay in lieu thereof or violating any section of the Industrial Disputes Act does not arise at all. The management has requested to reject the reference as being illegal, arbitrary and bad in the eyes of law.

9. Rejoinder W-9 has been filed by the workman wherein the pleas taken in the written statement have been denied, while reiterating the pleas of the claim statement.

10. The parties have filed documentary evidence in support of their respective pleadings. The workman has examined himself whereas the management has examined Shri S.C. Srivastava, Sr. Accountant in support of their respective case. The parties availed opportunity to cross-examine the witnesses of each other apart from forwarding oral arguments.



11. heard learned authorized representatives of the parties at length and perused the records available on file.

12. The authorized representative of the workman has contended that the workman has worked continuously for more than 240 days in year and accordingly it was mandatory for the management to comply with the provisions of Section 25 F of the Act before retrenching the services of the workman. He has relied on Divisional Manager, New India Assurance Co. Ltd. Vs. A. Sankaralingam 208 (119) FLR 398.

13. In rebuttal, the authorized representative of the opposite party has argued that the workman was neither appointed nor engaged by the management; nor had worked for 240 days in a year; therefore, there arises no question for his termination or compliance of any of the provisions of the Industrial Disputes Act, 1947. The management has contended that the workman was working on contract, part time for an hour or so at I.T.I. Regional Office at Halwasiya Market, Lucknow and due to shifting of Regional Office to its new building at Gomti Nagar, Lucknow, the contact automatically ended, as such, there was no question of termination of his services. He has relied on:

- (i) BSNL & others Vs. Mahesh Chand (2008) 3 SCC 474.
- (ii) R.K. Chaturvedi Vs. Secretary, BHEL & others 1997 (77) FLR 364.
- (iii) Oshiar Prasad & others Vs. Employers in relation to management of Sudamdih Coal Washery of M/s. Bharat Coking Coal Limited, Dhanbad, Jharkhand (2015) 1 SCC (L&S) 789.
- (iv) Pottery Mazdoor Panchayat Vs. The Perfect Pottery Co. Ltd & others 1979 (38) FLR 38.
- (v) U.P. Power Corporation Ltd. & other Vs. Presiding Officer, Labour Court, Gorakhpur & other 2007 (115) FLR 638.
- (vi) Devanand Vs. State of U.P. through Engineer-in-Chief, P.W.D., Lucknow & others 2006 (110) FLR 389.

14. I have given my thoughtful consideration to the rival contentions of the parties and scanned entire evidence on record in light thereto.

15. The workman has come up with the case that he worked with the opposite party management as Sweeper w.e.f. 01.11.1987 to 31.08.1998 for more than 240 days in a year even then the management retrenched his services without giving him any notice or notice pay in lieu thereof or any retrenchment compensation, in violation to the provisions of Section 25-F of the Act. In order to corroborate his pleadings regarding his working with the management he has tried to summon the payment vouchers, attendance register for the relevant period of time, which was opposed by the management on the sole ground that the same are not traceable being very old for 15 to 20 years. However, this Tribunal directed the management to file the documents

required by the workman; but the management instead of filing them, submitted an affidavit reiterating the submission that they are not available being very old.

16. In rebuttal, the management has come up with a clear cut case that the workman had never been appointed or engaged by it at any point of time, therefore, there arises no question of terminating his services at any point of time. It has specifically been pleaded by the management that the workman has been working with the management of I.T.I. on contractual basis on part time and was paid accordingly. In this regard the management has filed following documents vide list dated 27.08.2009, paper No. M-13:

- (i) Photocopy of note sheet dated 3.4.89.
- (ii) Photocopy of letter by workman dated 13.12.96.
- (iii) Photocopy of bill dated 2.6.97.
- (iv) Photocopy of letter by workman dated 4.7.97.
- (v) Photocopy of the Bill dated month of July, 98.

17. It is settled law that when a party invokes the jurisdiction of the Court for favourable orders then burden of proof heavily lies upon it to prove its pleadings. Hon'ble Apex Court in paragraph of 15 of its judgment in *Director, Fisheries Terminal Division Vs. Bhikubhai Meghajibhai Chavda* 2010 AIR SCW 542 has observed as under:

"Applying the principles laid down in the above case by this Court, the evidence produced by the appellants has not been consistent. The appellants claim that the respondent did not work for 240 days. The respondent was a workman hired on a daily wage basis. So it is obvious, as this court pointed out in the above case that he would have difficulty in having access to all the official documents, muster rolls etc. in connection with the service. He has come forward and deposed, so in our opinion the burden of proof shifts to the employer/appellants to prove that he did not complete 240 days of service in the requisite period to constitute continuous service. The witness produced by the appellants stated that the respondent stopped coming to work from February, 1988. The documentary evidence produced by the appellant is contradictory to this fact as it shows that the respondent was working during February, 1989 also. It has also been observed by the High Court that the muster roll for 1986-87 was not completely produced. The appellants have inexplicably failed to produce the complete records and muster rolls from 1985 to 1991, in spite of the direction issued by the Labour Court to produce the same. In fact there has been practically no challenge to the deposition of the respondent during cross-examination. In this regard, it would be pertinent to mention the observation of three-Judge Bench of this court in the case of *Municipal Corporation, Faridabad vs. Siri Niwas* (2004) 8 SCC 195: 2004 AIR SCW 5184, where it is observed:

"A Court of Law even in a case where provisions of the Indian Evidence Act apply, may presume or may not

presume that if a party despite possession of the best evidence had not produced the same, it would have against this contentions. The matter, however, would be different where despite direction by a court the evidence is withhold."

Thus, in view of the law pronounced by Hon'ble Apex Court, hereinabove, the burden of proof was on the management to come forward with cogent documentary evidence that the workman did not complete 240 days of service in the requisite period of one year; but the management in order to check the workman has taken the best recourse of denying the appointment/engagement of the workman in any form at any point of time. And when the management was directed to file the documents, required by the workman, the management filed an affidavit to the effect that they are not no more present with I.T.I.; but very surprisingly it filed certain selective paper i.e. note sheet pertaining to the year 1989. Thus, production of selective documents/muster rolls by the management before this Tribunal proves malice on the part of the management, who had been time and again reiterating that it neither appointed/engaged the workman nor retrenched him but when it was compelled to file the payment vouchers and attendance sheet; it filed an affidavit regarding their non-availability. Hence, the management utterly failed to discharge the burden that lied upon it.

18. In *Surenderanagar Panchayat and another V. Jethabhai Pitamberbhai* 2005 (107) FLR 1145 (SC) Hon'ble Apex Court came to the conclusion that the workman could be entitled for the protection of section 25-F of the Industrial Disputes Act, 1947 provided he is successful in establishing the fact that he had been in employment with the employer for a period of 240 days uninterruptedly in twelve calendar months preceding the date of termination.

The workman's attempt to prove its pleadings could not fructified due to filing of the management to the effect that the payment vouchers and attendance registered summoned by the workman are not traceable being very old. However, the management has tried to prove its pleadings that the workman was working with them on contractual basis, has filed photocopy of note sheet dated 03.04.89, paper No. 13/2, which reads as under:

"Please refer to the application Dt. 31.03.89 of Shri Mahesh Kumar part time cleaner of the office, he has requested to enhance the amount from Rs. 250/- to Rs. 350/- per month due to the increase area of cleaning which includes parking place and other area of stores. As negotiated, he has agreed to do the cleaning job on the part time basis w.e.f. 1.4.89 at the rate of Rs. 300/-PM.

Submitted for approval.

-Sd-

Asstt. Personnel Manager"

The above document relied upon by the management does not support the pleadings of the management that the workman was working on contract basis as the formalities required for execution of a valid contract/agreement is not complied with in the above 'so called contract'. However the above note dated 03.04.89 goes to prove that the workman started working w.e.f. 01.04.1989 on monthly payment of Rs. 300/-. Further, the application dated 13.12.1996, paper No. 13/3 and bill dated 2.6.97, paper No. 13/4 goes to show that the workman was working on part time basis with the management on the relevant dates. The application of workman dated 4.7.97, filed by the management, paper No. 13/5, wherein it is stated by the workman had been working with the I.T.I. w.e.f. 01.11.87 for 9 years 7 months. It is pertinent to mention here that the management on one side has filed affidavit the documents summoned by the workman is not available/traceable being very old; but it procured some of the documents, filed vide list, paper No. M-13. Therefore, having regard to the reliance placed upon by the management itself, it goes to prove that the workman had been working as part time cleaner for the claimed period i.e. 01.11.87 to 31.08.98

19. Further, as per pleadings of the management, there was no need for compliance of provisions of Section 25-F of the Industrial Disputes Act, 1947 as there was no termination of services of the workman, at their end, at any point of time as the services of the workman came to an end due to shifting of the office to new premises, making it clear that the management of the I.T.I. failed to comply with mandatory provisions of Section 25F of the Act.

20. The management has relied on *BSNL & others vs Mahesh Chand* (2008) 3 SCC 474 decided on 15.02.2008; wherein Hon'ble Supreme Court denied reinstatement of a part time worker for violation of Section 25F; whereas, in rebuttal the workman has relied upon *Divisional Manager, New India Assurance Co. Ltd.* decided on 03.10.2008; wherein Hon'ble Apex Court has allowed reinstatement of the workman with full back wages for non-compliance of provisions of Section 25-F of the Act. Hon'ble Allahabad High Court in *State of U.P. Vs. Mahendra Pal Singh & another* 2012 (2) ALJ 325 while scrutinizing the validity of the award of the Labour Court found that the findings of the Labour Court were not perverse; wherein the Labour Court has drawn out a finding that the workman had continuously worked for more than 240 days in calendar months prior to termination of his services; and the termination of services was without any notice and without payment of retrenchment compensation; and accordingly, Hon'ble High Court held that the relief of reinstatement with 60% of back wages, awarded by the Labour Court was justified. Hon'ble High Court in para 47—50 of its judgment, has referred decision of Hon'ble Apex Court in *Krishan Singh Vs. Executive Engineer, Haryana State Agricultural*

Marketing Board, Rohtak (Haryana) (2010) 3 SCC 637: (AIR 2010 SC (Supp) 787 as under:

"47. ....the appellant worked as a daily wager under the respondent from 1.6.1988. His services were terminated in December, 1993. He served a notice of demand dated 30.12.1997 on the respondent contended that his services were terminated orally without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and that he may be reinstated in service with full back wages from the date of illegal termination and he may be regularized according to the Government policy. The respondent did not respond to the demand made by the appellant and by order dated 23.7.1999, the State Government referred the dispute under Section 10 of the Act to the Labour Court. Thereupon the Labour Court passed the award dated 18.7.2006 holding that the appellant had admittedly completed 267 days from 1.6.1988 to 30th April, 1989 and his services were terminated without any notice or notice pay and without payment of retrenchment compensation and the termination was, therefore, in violation of Section 25-F of the Act and the appellant was entitled to be reinstated in his previous post with continuity of service and 50% back wages from the date of demand notice i.e. 30.12.1997.

48. The respondent challenged the award of the Labour Court before the High Court of Punjab and Haryana, in writ petition and by order dated 9.12.2008, High Court allowed the said writ petition and set aside the award dated 18.7.2006 of the Labour Court and directed the respondent instead to pay compensation of Rs. 50,000/- to the appellant. Aggrieved by order dated 9.12.2008 of the High Court, the appellant filed appeal before the Apex Court. By placing reliance upon earlier decision rendered by the Apex Court in the case of Harjinder Singh (supra), I allowed the appeal and set aside the impugned order dated 9.12.2008 passed by the High Court and directed that the appellant will be reinstated as a daily wager with 50% backwages forthwith.

49. While dealing with the question of discretionary powers of the Labour Court, in para 17 of the decision, Hon'ble Apex Court has observed as under:

"17. Wide discretion is, therefore, vested in the Labour Court while adjudicating an industrial dispute relating to the discharge or dismissal of a workman and if the Labour Court has exercised its jurisdiction in the facts and circumstances of the case of direct reinstatement of a workman with 50% back wages taking into consideration the pleadings of the parties and the evidence on record, the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India will not interfere with the same, except on well settled principles laid down by this Court for a writ of certiorari against an order passed by a court or a tribunal."

50. In the said case while drawing distinction between

the cases of this nature and State of Karnataka vs. Umadevi (2006) 4 SCC 1: (AIR 2006 SC 1806 SC 1806) in para 22 of the said decision Hon'ble Apex Court held as under:

22. The decision of this Court in State of Karnataka v. Umadevi (3) cited by the counsel for the respondent relates to regularization in public employment and has no relevance to an award for reinstatement of a discharged workman passed by the Labour Court under Section 11-A of the Act without any direction for regularization of his services."

21. Thus, in view of the facts and circumstances of the case, discussions made hereinabove and law relied on, it is established that the workman, Mahesh Kumar Dhanuk, who was working as part time cleaner with the management of ITI had worked for more than 240 days in a calendar year preceding the date of his termination and his services have been illegally terminated w.e.f. 01.09.1998 by the management of ITI without following the mandatory provisions of the Section 25 F of the Industrial Disputes Act, 1947. Therefore, I am of the considered opinion that the workman, Mahesh Kumar Dhanuk is entitled for reinstatement with continuity in service along with 60% of back wages within 08 weeks of publication of the award, failing which: the back wages shall carry simple interest @ 8% per annum.

22. The reference is answered accordingly.

Lucknow

28th August, 2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2015

**का.आ. 1788.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर जनरल, डाक विभाग, देहरादून के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं० 2, दिल्ली के पंचाट (संदर्भ संख्या 30/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/09/2015 को प्राप्त हुआ था।

[सं एल-40012/16/2008-आईआर(डीयू)]

पी.के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 2nd September, 2015

**S.O. 1788.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 30/2008) of the Central Government Industrial Tribunal-Cum-Labour Court No. II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Post Master General, Department of Post, Dehradun and their workman, which was received by the Central Government on 01/09/2015.

[No. L-40012/16/2008-IR (DU)]

P. K. VENUGOPAL, Desk Officer



**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT-II, ROOM NO. 33, BLOCK-A,  
GROUND FLOOR, KARKARDOOMA COURT  
COMPLEX, KARKARDOOMA, DELHI 110032**

Present:-Shri Harbansh Kumar Saxena

**ID. No. 30/2008**

Sh. Raj Pal Singh Negi,  
S/o Sh. Surender Singh Negi,  
Village Tilwadi,  
Dehradun

.....Workman

*Versus*

The Post Master General,  
D/o Post,  
GPO, Clock Tower,  
Dehradun.

.....Management

**AWARD**

The Central Government in the Ministry of Labour *vide* notification No. L-40012/16/2008(IR)(DU) dated 06.06.2008 referred the following Industrial Dispute to this Tribunal for adjudication:-

Whether the action of the management of Post Master General, Dehradun, in terminating the services of their workman Sh. Raj Pal Singh Negi, *w.e.f.* 12.08.1993 is legal and justified? If not, to what relief the workman is entitled to?

On 01.09.2008 reference was received in this Tribunal. Which was register as I.D. No. 30/2008 and claimant union was called upon to file statement within fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 01.09.2008. Wherein he prayed as, follows:—

Claimant filed claim-petition on 30.06.2008 on the basis of averments in claim statement he prayed after setting aside termination order dated 12.08.1993 he be reinstated along with all benefits.

Against claim statement management filed written statement on 15.01.2009. Through which he prayed as follows:—

It is therefore, prayed that the claim petition of Shri Raj Pal Singh may kindly be dismissed with costs as per the provisions of the departmental rules and regulations and in the interest of justice.

Workman on 1.09.2010 filed rejoinder. Through which the reaffirmed the contents of his claim statement.

My Ld. Predecessor on 15.4.2015 framed issue. Out of which issue No. 1 was relating to inquiry and was ordered to be decided as Preliminary Issue and fixed 29.05.2013 for workman evidence. Workman adduce no evidence inspite of several opportunities. Management in its turn produce MW1 Sh. Ashish Kumar, Assistant Superintendent, who tendered his affidavit alongwith annexed documents on 31.7.2014. None turn up on behalf of workman to cross-examine MW1. Sh. Ashish Kumar, Assistant Superintendent. As statement of Sh. Sh. Ashish Kumar, Assistant Superintendent, was uncontroverted so this Tribunal has no option except to believe the testimony of Sh. Ashish Kumar, Assistant Superintendent, is credible and reliable. Which proved Preliminary Issue No. 1 in favour of management and against workman on 20.04.2015 and hold that inquiry conducted by management against workman is just fair and proper and fixed 02.07.2015 for arguments on apportionment of punishment to workman.

On 2.07.2015 none turn up on behalf of workman to raise arguments on the point of quantum of punishment and then I reserved the Award.

Even at this stage none turn up to argue the case on behalf of workman. Since 2.7. 2015 till now.

In these circumstances punishment of termination pass by Disciplinary Authority on the basis report of inquiry officer appears to be just and proper.

In these circumstances reference is liable to be decided against workman and in favour of management.

Which is accordingly decided. Award is accordingly passed.

Dated:- 27.8.2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2015

**का.आ. 1789.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, दिल्ली निगर निगम, (दक्षिण) नई दिल्ली के प्रबंध तंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, 2 दिल्ली के पंचाट (संदर्भ No. 09/2014) प्रकाशित करती है, जो केन्द्रीय सरकार को 01/09/2015 को प्राप्त हुआ था।

[सं० एल-42011/141/2013-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 2nd September, 2015

**S.O. 1789.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 09/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. II,

Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Commissioner, MCD (South), New Delhi and their workman, which was received by the Central Government on 01/09/2015.

[No. L-42011/141/2013-IR(DU)]  
P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT-II, ROOM NO. 33, BLOCK-A, GROUND FLOOR, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI 110032

**Present :** Shri Harbansh Kumar Saxena

**ID No. 09/2014**

The General Secretary,  
MCD General Mazdoor Union,  
C/o Room No. 95,  
Barrack No. 1/10, Jam Nagar House,  
New Delhi-110011

*Versus*

The Commissioner,  
MCD, (South), Civic Centre,  
Minto Road,  
New Delhi

#### EX-PARTE AWARD

The Central Government in the Ministry of Labour *vide* notification No. L-42011/141/2013(IR(DU) dated 07.02.2014 referred the following Industrial Dispute to this Tribunal for adjudication:—

"Whether Sh. Ajeet S/o Late Sh. Het Ram is entitled to the status of Chaudhary in the pay scale of Rs. 3050-4590 *w.e.f.* 16-06-1997 revised from time to time along with all consequential benefits/ If so, what directions are necessary in this respect?

On 17.02.2014 reference was received in this Tribunal. Which was register as I.D.No. 09/2014 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service workman/claimant filed claim statement on 28.05.2014. Wherein he stated as follows:—

1. That the appropriate Govt. *i.e.* National Capital Territory of Delhi referred following dispute for industrial adjudication before the Industrial Tribunal:

"Whether Sh. Ajeet S/o Late Sh. Het Ram is entitled to the status of Chaudhary in the pay scale of Rs. 3050-4590 *w.e.f.* 16-06-1997 revised from time to time along with all consequential benefits/ If so, what directions are necessary in this respect?

2. That Sh. Ajeet S/o Late Sh. Het Ram has been allotted the work of Chaudhary with effect from 16.06.1997 by the competent officer(s) of Horticulture Department and was posted under South Zone to work under Dy. Director of Horticulture, but he has been denied the pay scale of Chaudhary revised from time to time. His qualification is 6th pass and belongs to OBC category. It is also submitted that qualification is not prescribed for the promotion of Chaudhary.
3. That the management of MCD has fixed the different pay scales to their employees including Mali, Chaudhary etc. in accordance to their job and non-grant of proper pay scale of Chaudhary to Sh. Ajeet is forced labour and the management is indulged in unfair labour practice.
4. That the workman Sh. Ajeet has got the payment in lower pay scale of Mali Rs. 2550-3200 revised from time to time but he is denied the pay scale of Rs. 3050-4590 with effect from 16.06.1997 and revised from time to time and this action of the management is also illegal as well as unjustified.
5. That the duty of Mali is presently of an unskilled workman (according to the Award the duty of Mali is classified with Semi-skilled workman) but the duty of a Chaudhary is a skilled nature of job being a Group "C" employee and there are different pay scales for both the categories. Copy indicating the names of officiating Chaudhary issued by the officers of Horticulture concerned is annexed as Annexure-A and the name is appearing at Sl. No. 24 of Annexure-A. The said list was duly prepared by the concerned zone of Horticulture and submitted the same to the office of Director (Horticulture), MCD.
6. The Hon'ble High Court of Delhi in the matter of Jai Chand Vs. M.C.D. (CW 6514/2001) has disapproved the non-payment *vide* order dated 2.05.2003 for the post of Chaudhary for taking the work from, him for the said post.
7. That in compliance of orders of Hon'ble High court dated 2.5.2003 the management of M.C.D., Horticulture Department, New Delhi has also issued the implementation of the said order *vide* its office order No. ADC(Hort.) AO (Hort)/DA-VII/05/457 dated 4.3.2005. Copy of the said order issued by the management is annexed as Annexure-B.
8. That the recent judgement of Division bench of Hon'ble High Court of Delhi have settled the matter by the recent judgement of Hon'ble Division bench of Hon'ble High Court in the matter MCD Vs. Sultan Singh & ors. W.P. (C) No. 7947/2010 and the same stand has been taken by the Hon'ble High Court in



Writ-petition No. 5550 of 2010 titled MCD Vs. Mahipal S/o Late Dalel Singh C/o MCD General Mazdoor Union and reiterated the decision of Division Bench in the matter MCD Vs. Sultan Singh *vide* its judgement on 27.07.2011. The same is reproduced as under"

"Mr. Varun Prasad, counsel appearing for the respondent submits that the present petition filed by the petitioner is squarely covered by the recent judgement of the Hon'ble Division Bench of this Court in MCD Vs. Sh. Sultan Singh & Ors W.P. (C) No. 7947/2010.

Ms. Amita Gupta, Counsel appearing for the petitioner/MCD submits that by the present petition the petitioner has challenged the order dated 4th February 2010 passed by the Industrial Tribunal No. III, Karkardooma Courts. The Industrial Tribunal held that the workman who was performing duties on the post of Garden Chaudhary is entitled to the pay scale of Garden Chaudhary in force time to time *w.e.f.* June 1987. Learned Tribunal also took a view that respondent would not be entitled to regularization as he lacked requisite qualification. The operative para of the said judgment in Sultan Singh's case (*supra*) of the Hon'ble Division Bench is reproduced as under :

"28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mail/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudhary., then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is not doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this court to exercise its jurisdiction under Article 226 of the Constitution to set-aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out."

30. The writ petition is, therefore dismissed. Parties are left to bear there own cost"

Since the issue involved in the present case is squarely by the aforesaid judgment of the Hon'ble Division Bench of this Court, therefore, the present petition filed by the petitioner does not subsist and is accordingly dismissed.

The impugned order dated 4.2.2010 is accordingly upheld and the petitioner MCD is directed to comply with the directions passed by the Tribunal in the said order."

9. The Hon'ble High Court of Delhi followed the judgment of Sh. Sultan Singh as mentioned hereinabove and dismissed the Management W.P (C) No. 5550/2010 titled Municipal Corporation of Delhi Vs. Mahipal S/o Late Dalel Singh. Copy of the said judgment is annexed as Annexure-C.

10. That many of the similar situated workmen (Mail & Chowkidar) who were performing their duty as acting Chaudhary and they were granted the pay scale of Chaudhary from the date when they were asked to perform the duty of higher post of Industrial Tribunal awarded the higher wages for the work of Chaudhary from the date of their initially acting and performing the duty of Chaudhary.

11. That the management challenged the order dated 27.07.2011 of Division Bench of Hon'ble High Court in Writ Petition © No. 7947/2010 in the matter MCD Vs. Sultan Singh & Ors before the Hon'ble Supreme Court of India by Special Leave Petition has dismissed and withdrawn on 9.4.2012. This workman is also similarly doing the work of Chaudhary is entitled similar benefits. Copy of the order of Hon'ble Supreme Court dated 9.4.2012 is also annexed as Annexure-D.

12. That the Division Bench of Hon'ble High Court in the matter of MCD Vs. Sultan Singh & Ors decided all the doubts and allegations made by the management of MCD in their detailed judgment holding the grant of higher wages of Chaudhary to those Mail/Chowkidar who have been performing the responsibility of the higher post from the date when they were directed to work of Chaudhary and treated them as Ad hoc Chaudhary.

13. That after dismissal of said Special Leave Petition the management did not comply the order of payment of higher post salary to the Malis who had been discharging the duty of Garden Chaudhary. The Division bench of Hon'ble High Court of Delhi in Writ Petition (Civil) 53/2012 titled Sultan Singh & others *vide* its order dated 15.03.2013 directed the management to pay the wages for higher post of salary to be paid who were performing the duty of

Garden Chaudhary. Copy of the said order is annexed as Annexure—E.

14. That, in compliance of the order of Hon'ble High Court of Delhi dated 15.03.2013 in the matter of Sultan Singh and Ors. Vs. W.P.(C) No. 5453/2013 the Management of MCD allowed the equal pay for equal work attached to the post of Garden Chaudhary in compliance of the order of Hon'ble High Court of Delhi dated 15.03.2013 and the applicants were allowed the payment when they were discharging the duty of higher post (Garden Chaudhary). Copy of the said order issued by the MCD is also annexed as Annexure-F.
15. That the action of the management in not granting the pay scale of Garden Chaudhary of Rs. 3050-4590 *w.e.f.* 16.6.1997 and revised from time to time along with all consequential benefits to Sh. Ajeet is unfair, illegal as well as unjustified.
16. That the management is duty bound to pay the salary to Sh. Ajeet in the scale of Chaudhary with effect from 16.06.1997 along with all consequential benefits.
17. The copy of sponsorship is annexed as Annexure-G with the statement of claim as the workman is the member of MCD General Mazdoor Union (Regd. & Recognized) and copy of the Registration is annexed as Annexure-H. Copy of the letter to negotiate with the management is annexed as Annexure-I and copy of the list of office bearers is annexed as Annexure-J.

In view of the above, this Hon'ble Tribunal may kindly allow the salary of Garden Chaudhary as the workman has been performing their duty in the pay scale of Rs. 3050-4590 *w.e.f.* 16.6.1997 along with all consequential benefits.

When Management has not filed W.S. inspite of several opportunities. Then this Tribunal on 24.07.2014 closed the right to filing of W.S. by management and passed order to proceed Ex-parte against management. As well as fixed 25.08.2014 for Ex-parte evidence of workman.

Workman in support of his case filed his affidavit on 25.08.2014.

Workman tendered his affidavit on 3.2.2015. His statement is as follows:—

I tender my affidavit in evidence which is exhibit WW1/A and which bears my signature at point A & B along with the documents which are Ex. WW1.1 to Ex. WW1/10.

XXXXXX None on behalf of management present to cross-examined the witness. Hence cross-examination is marked nil.

Thereafter, Ld. A/R for Sh. Ajeet, closed the evidence of workman on the instruction of workman. As case was

proceeded ex-parte against management so I fixed 26.9.2014 for ex-parte arguments of workman.

On 20.11.2014 I have heard the oral arguments of Sh. B.K. Prasad, Ld. A/R for the workman.

In the light of contention of Ld. A/R for the workman I perused the pleadings of claim statement as well as evidence by way of affidavit of workman exhibit WW1/A and annexed documents WW1/1 to WW1/10.

Perusal of evidence makes it crystal clear that there is only ex-parte evidence of workman. Which appears to be reliable and credible. So this Tribunal has no option except to decide the reference in favour of workman and against management as well as pass award in favour of workman and against management.

Reference is decided in favour of workman and against management.

Ex-Parte Award is accordingly passed.

Management is directed to grant salary of Garden Chaudhary to workman since 16.6.1997 along with all consequential benefits.

Compliance has to be done by management within 2 months after expiry of period of available remedy against the instant award.

Dated: 20.8.2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2015

**का.आ. 1790.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 328/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं० एल-20012/287/1999-आईआर (सी-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 3rd, September, 2015

**S.O. 1790.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby Publishes the Award (Ref. No. 328/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL and their workman, received by the Central Government on 03/09/2015.

[No. L-20012/287-1999 - IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****Present :**

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act., 1947.**Reference No.: 328/1999**

**Parties :** Shri Permanand Verma,  
Pandwa Village, P.O. Rajhara Colliery,  
District: Palamu.

**Vs.**  
The Chairman-cum Managing Director,  
M/s Central Coalfields Ltd., Darbhanga House,  
Ranchi-834001.  
Ministry's Order No. L-20012/287/99-(C-I) dt.  
24.11.1999

**Appearances:**

On behalf of the workman/Union : Mr. C.S. Pathak,  
Rep. of the  
Workman

On behalf of the management : Mr. Rajiv Kumar  
Rep. for the  
Management

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 13th August, 2015

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/287/99-(C-I) dt. 24.11.1999.

**SCHEDULE**

"Whether the action of the Management of M/s C.C.L., in dismissing Sri Parmanand Verma, Cat. I from the services of the Company is proper, justified and legal? If not, to what relief the concerned workman is entitled?"

On receipt of the Order No. No. L-20012/287/99-(C-I) dt. 24.11.1999 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 328 of 1999 was registered on 08.12.99 and accordingly an order to that effect was passed to issue notices through the Registered posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Ld. Representatives appeared respectively, and contested the case.

2. The case of workman Sri Parmanand Verma as stated in his written statement is that he was properly and legally appointed on due process as per the Order Dt. 04.01.1996 issued by the competent authority, the General Manager (Pers. & Admn.) C.C.L., Darbhanga house, Ranchi Shri J.N. Singh, as also circulated to all concerned with a direction for police verification at the earliest. Nothing was illegal or improper attributable to the workman about the appointment and procedure. The Director (Pers.), CCL, Ranchi, as per letter No. DP/Sectt./Secret/33/538 dt. 17-07-1997 ordered immediate suspension, charge sheeting and dismissal of the workman and others. No action was taken by the Project Officer. Later on further directive following the complaint of Sri Amal Bhattacharjee, the Office bearer of the CITU affiliated Union before the A.S. Prasad, CE (MS) on March 16, 1998, the Project Officer, Open Cast, mechanically issued the chargesheet cum suspension Order dt. 17/18.3.1998, by reproducing the alleged charges as framed and finalized by the Vigilance Department. The Vigilance Department/Director (P), CCL also decided the modus operandi of the procedure of the enquiry by whom and how for final decision. The alleged chargesheet was issued without its base of basic documents. The allegation of the Vigilance Department as quoted by the Project Officer is the workman "fraudulently managed to secure the employment in CCL without approval of the Competent Authority" as referred in the appointment Order dt. 4.1.1996, while he was admittedly not an employee of the C.C.L. No ground forms for any misconduct for initiation of any disciplinary action under the alleged model standing Orders of Parej Open Cast Project. Despite non-supply of the documents to the workman as sought by him as per his specific letter dt. 23.03.98 in order to comprehend and submit his explanation for the charge, the Project Officer as per his stereotype order dt. 24/25.3.98 mechanically set up an alleged enquiry by Sri A.S. Prasad, CE (MS) the complainant as the Enquiry Officer and Sri U.S. Tripathy, Sri V.O, the Investigation Officer as the alleged Presenting Officer without mention of a provision of any Standing Orders of the C.C.L.

3. Further stated by the workman is that the project Officer by pretending as the Disciplinary Authority acted a mere tool under the remote control for alleged disciplinary proceeding simply as an empty formality. On receipt of the alleged Order constituting the enquiry, workman promptly represented to the Enquiry Officer that the alleged enquiry was premature and violative of the principle of natural justice. He had also asked for the copies of Standing Orders, Vigilance Report with the statements of S/Shri J.N. Singh, G.M. (P&A), the Appointing Authority, A.S. Prasad, Dy P.M. (Rectt.) and

others for his defence, but the Enquiry Officer took no notice of his letter dt. 26.6.98, ruling out even representation through a legal practioner, Trade Union Official though permissible under the Certified Standing Orders of CCL, or a retired employee. The Enquiry Officer even at the first sitting of the enquiry refused to care for the pleadings of the workman's aforesaid issues and others, and predeterminedly but biasedly drew up the enquiry proceeding ex-parte, taking his signature under threat, though no minutes of the proceeding were drawn in his presence. The workman was deliberately and biasedly deprived by the Enquiry Officer of his right to defence.

4. The workman also stated in his written statement that the Enquiry Officer illegally allowed a highly qualified legally trained Senior Vigilance Officer to represent the Management in the enquiry. He illegally held the joint enquiry by drawing the minutes of proceeding through the Computer floppy individually, in spite of his objection to it. Shri A. K. Sinha, the Manager (Vigilance), the Investigating Officer, appeared as the Management witness with his written statement which was promptly reproduced from the previously recorded Computer floppy. His statement/deposition was admittedly based on alleged informations collected during the investigation/enquiry. The only hearsay evidence is inadmissible. The workman was deprived of cross-examination. After the alleged deposition, certain documents filed by the Presenting Officer were illegally marked by the Enquiry Officer as alleged Exhibits. The Officer refused the request of the workman for assistance of his co-worker Sri K.N. Singh Sri R. C. Das of C.M.P.D.I. Ltd. in cross-examination, just as for summon to aforesaid Sri J.N. Singh, the GM. (P & A) working as Director (Pers), WCL, Nagpur for his statement recorded investigation.

5. Further stated it clearly shows the mala fide motivation of the Enquiry Officer to deprive him all along of his right for defence. Likewise, the Project Officer, the Appellate Authority, and the Enquiry Officer as the alleged Disciplinary Authority never dealt with the workman fairly and judiciously the enquiry proceeding till its end. The enquiry report which clearly manifests all the aforesaid defects including the misconduct of the Enquiry officer. Rule of a quasi judicial, is virtually his is ipse dixit enquiry report, as it was not based on any evidence of the allegation, Rather it was factually the report prepared on the dictates of the Vigilance Officials and the Director (Pers.) which was rent to the Project Officer. While furnishing the workman with the alleged Enquiry Report *vide* letter dt. 9.12.98, the Project Officer did not express whether partially or full accepted it or not. It seriously prejudiced the workman; the workman had submitted his elaborate comments dt. 25.12.1998 on the alleged enquiry report about it as unacceptable by any quasi-judicial authority. Similarly the order of dismissal dt. 16.01.1999 towards the workman

from the service of the CCL based on illegal and perverse report of the Enquiry Officer is unsustainable on fact and law. So it was neither legal nor justified. The workman is entitled to reinstatement with full back wages and all consequential benefits of seniority retrospectively.

6. The workman Shri Parmanand Verma in his rejoinder has specifically denied all the allegations of the OP/ Management as false, baseless and misleading, further alleging that the punishment of dismissal to the workman merely on hearsay evidence is entirely illegal and void. In fact, there was no allegation of misconduct during the service.

7. Whereas the contra pleaded case of the OP/ Management is that the present reference in not maintainable either in law or in facts. the workman Parmanand Verma was charge sheeted for commission of his misconduct:'

"Fraudulently managed to secure employment in the CCL as Trainee Cat. I *vide* Appointment Letter No. PD/HD/appt./LL.87-88/E-21 dt. 04.01.96 under the Land Looser Scheme of Piperwar Area, CCL, without approval of the competent Authority in as much as he claimed himself to be the son of the owner of the Land bearing Khata Nos. 86,53,1,1,55,56; Plot Nos. 80,195,401,402,595,592 at village Kanoda/Bahera, O.P.S. Keredari, District-Chatra, which was acquired by the CCL for mining operation, but on enquiry made subsequently, it has been found that aforesaid Permanand Verma is neither son nor a nominee of the owner of above plots of land to get the employment in the C.C.I. It has been given in the CCL to Kailash Mistry, son of Lakhhan Mistry, *vide* Appointment letter No. PD/MP/Apptt./LL/87-88/360 dt. 24.03.1994. This proves that Permanand Verma has entered into the services of the CCL by furnishing wrong information relating to his claim for employment and relationship with the Owner of the aforesaid plots of lands."

The workman submitted his reply to the charge sheet but his reply was found not satisfactory. Therefore the Management appointed the Enquiry Officer to conduct the domestic enquiry into the aforesaid charge sheet. After holding the domestic enquiry according to the principle of natural justice, the Enquiry Officer submitted his enquiry report holding therein that the charges levelled against the workman were proved. Thereafter the Disciplinary Authority issued Show-Cause Notice along with the copy of the Enquiry Report, giving the workman the opportunity to defend himself. Subsequently, the Management dismissed the workman as per the Dismissal order dt. 16.1.1999. Thus the dismissal of the workman is legal and justified. It has been submitted on behalf of the management for furnishing to adduce afresh evidence to prove the misconduct against the workman, in case, the enquiry conducted by the Enquiry Officer is held unfair and improper.



8. The O.P./Management in its simultaneous rejoinder has categorically denied all the allegations of the workman as incorrect, further alleging that after the report of the Vigilance Department, the Management had issued the workman the charge sheet based on the facts as revealed during the investigation. The charge sheet was quite valid. The document and the facts relied upon in framing the charges against the workman were produced before the Enquiry Officer during the departmental enquiry. Securing fraudulently an employment is a misconduct. The workman was charge sheeted by the Competent Disciplinary Authority for it. The Enquiry Officer had conducted the domestic enquiry as per the rules and regulations of the Company, and accordingly he had conducted the enquiry in accordance with natural justice without violating any provision of law. The workman was given ample opportunity for inspection of relevant documents, cross-examination of the Management witnesses and presentation of his own defence before the Enquiry Officer, but he himself deliberately tried to evade it in the enquiry. The Enquiry Officer had given him full opportunity for defence. He is not entitled to any relief: as in view of the aforesaid facts, the dismissal of the workman is legal and justified.

#### FINDING WITH THE REASONS

9. In the instant case, at the preliminary enquiry into the fairness of the domestic enquiry, MWI Shri A.S. Prasad, then Chief Engineer as the Enquiry Officer was examined and discharged on 28th Sept., 2004, following the non-appearance of Mr. C.S. Pathak, the Union Representative for cross-examination of the witness on 28th Sept., 2004, while the aforesaid witness was present. Hence, the Tribunal as per the Order No. 16 dt. 19.10.2004 held that there was no scope to say the domestic enquiry conducted by the Enquiry Officer (MWI A.S. Prasad.) was not fairly, properly and in accordance with the principle of natural justice. It appears further to have been held that the Enquiry Officer assigned the reason for holding the workman concerned guilty to the charge. The case record reveals the workman had regular appearances and prior to the 18th June, 2004, the date of aforesaid MWI's examination at Preliminary issue, but he was discharged on account of non-appearance of any body on his behalf, so it was closed on that date. It also reveals that the prayer of the workman (as per his petition dt. 6.6.2005), apparently highly belated one, for recall of the MWI A.S. Prasad for his cross examination was rejected by the Tribunal on 18.06.2008 as per the Order No. 26 on the ground of its having no jurisdiction to recall or review its own order. In result, it came up for hearing the arguments of both the parties on merits.

10. Mr. C.S. Pathak, the Learned Representative for the workman Mr. Parmanand Verma, as per his written argument as well, has to submit at pertinent two points: Appointment

and Dismissal of the workman. The first plea of the workman is that he was appointed by Shri J.N. Singh, G.M. (P & A), H.Qr, the Competent Authority through due process of examination and interview in the year 1996 while no such Scheme was prevalent, but not under the Land Looser Scheme, yet he was dismissed from the service by the Project Officer Concerned subordinate to the Competent Authority without any approval over it. Mr. Pathak the Ld. Representative for the workman had relied upon the case of Delhi Transport Union Vs. B.B.L., Hajelaj reported in SCLJ Vol. 10 at page 110 wherein it has been held that the dismissal of a workman, by an authority subordinate to that by which he was appointed without delegation of power as in this case of the workman is void, *ab-initio* on that score. Further plea of Mr. Pathak for the workman is that the OP/Management has failed to prove/satisfy with any document the appointment of Shri Jagarnath Mistry as the original appointee under the Land Looser Scheme. Accordingly to M. Pathak, the reference of Land in the Appointment Letter of the workman was a mistake of the management for which the workman had personally met with the responsible officer concerned for its rectification, but its rectification could not be done at the relevant time, prior to which the Management made out a false case against the workman, and even without the proof of charges, his dismissal was fully illegal and unjustified; it is liable to be set-aside, as the workman is entitled to his reinstatement with full back wages and its consequential benefits.

11. Whereas the contention of Mr. Rajiv Kumar, the Authorized Representative for the OP/Management as per his written argument as well is that the aforesaid argument as advanced on behalf of the workman is totally baseless, because the workman was appointed as Trainee Cat. I as per his appointment letter dt. 4.1.1996 for the same lands of Piparwar Area (Ext.M-4/12)+(ME-3) against which Shri Jagarnath Mistry, the son of Lakhan Mistry, the real owner of the Land acquired under specified Khata Nos. & Plots Nos. at village: Bahera, Kichto, Kanoda, P.S. Keradari Distt: Hazaribagh/Chatra under the Land Looser Scheme was already appointed as Trainee Cat. I by the Competent Authority on 24.03.1994 (Ext.4/15)=(ME-6). It was a regular appointment as per the approval of competent authority as per its base files (Ext.M.4/14)=(ME-5). So the plea of the workman about his appointment not under the Land Looser Scheme is prima facie fraudulent employment under the alleged Land Looser Scheme in the alleged year 1996.

Further submitted on behalf of the OP/Management is that for his aforesaid misconducts under Model Sanding Order 17(i) and Sub-clause No. (a) and (o), the workman was charge sheeted on 17/18.03.1998 (Ext.M-2.). The workman denied the allegation as fictitious. Then the Management as per the letter 9.2.98 (Ext.M-4) appointed Sri A.S. Prasad, the Chief Engineer (M.S.) as the Enquiry Officer and Shri U.K. Tripathy, Sr. Vigilance Officer, CCL as the Presenting Officer. The Enquiry Officer after duly



conducting the domestic enquiry in accordance with the principle of natural justice submitted his report holding therein the charge levelled against him duly proved (Ext. M.5). On the 2nd Show Cause Notice (Ext.M.4) to which the workman had replied by way of representation dt. 17.12.1998, the Disciplinary Authority dismissed him from the his proved misconducts. It is also submitted on behalf of the OP/Management that in the instant Reference at preliminary hearing the domestic enquiry was held as fair. The Ld. Representative for the Management has emphatically submitted that in view of the gross misconducts of the workman under the Model Standing order-namely fraud or dishonesty in connection with the employers business or property and giving false information regarding one's name, age, father's name qualification or previous service at the time of employment under clause 17(i) and sub-clause Nos. (a) and (o) of the Model Standing Order respectively, the workman was dismissed by the Competent Authority from the service of the Company as per the Order dt. 16.01.1999 of the Management (Ext.M.6); as such the action of the Management in doing so towards the workman is legal and justified; thus the workman is not entitled to any relief.

12. After hearing the arguments of both the Ld. Representatives of both the parties on merits, the important points, I find are evident as under:

- (i) The plea of the Shri C.S. Pathak, the Representative for the workman that the workman had requested the Responsible Officer concerned for rectification of the mistake in his appointment letter mentioning the relevant Khats and Plots of the land in issue appears to be an unpleaded evidence, so it is not admissible and considerable for his case at the eleventh hour.
- (ii) The materials available on the case record clearly disclose that the workman had got fraudulently his employment as Trainee Cat. I on the basis of only note sheet and without any its base file and approval of the Competent Authority in connection with the same lands of real tenant Lakhani Mistry whose son Shri Jagarnath Mistry was already appointed under the Land Looser Scheme on 24.03.1994. The charges against the workman under the relevant provisions of the Model Standing Order appear to have been clearly proved for his misconducts of serious nature, so his dismissal for his grave misconducts towards the OP/Management is quite proportionate to the gravity of his intentional misconducts in getting his fraudulent employment under the Management. Under such circumstances, the workman deserves not any relief under Sec.11 A of the I.D. Act, 1947.

In view of the aforesaid findings, it is, in the terms of the reference, hereby responded and accordingly awarded that the action of the Management of Mas C.C. Ltd. in dismissing

workman Sri Parmanand Verma, Cat. I from his services of the Company is quite proper, justified and legal. Hence the workman concerned is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2015

**का.आ. 1791.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 84/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं एल-20012/150/2002-आईआर (सी-1)]

एम के सिंह, अनुभाग अधिकारी

New Delhi, the 3rd September, 2015

**S.O. 1791.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 84/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL and their workmen, received by the Central Government on 03/09/2015.

[No. L-20012/150/2002-IR (C-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

#### PRESENT

Shri Kishori Ram,  
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

#### Reference No. 84 of 2002

**PARTIES** : The Regional Secretary,  
B.C.K.U., Kathara Area, PO: Kathara, Dist;  
Bokaro & Regional Secretary,  
NCOIA, Swang IB, PO: Swang Dist; Bokaro  
Vs.

The Project Officer,  
Kathara Colliery M/s CCL, PO: Kathara,  
Dist; Bokaro,  
Order No. L-20012/150/2002-I.R.(C-I) dt.  
07.10.2002.

**APPEARANCES:**

On behalf of the workman/Union : Mr. S.N. Ghosh,  
Ld. Advocate

On behalf of the Management : Mr. D.K. Verma  
Ld. Advocate

State: Jharkhand Industry : Coal

Dated, Dhanbad, the 5th August, 2015.

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/150/2002-I.R. (C-I) dt. 07.10.2002.

**SCHEDULE**

"Whether the action of the Management of Kathara Colliery of M/s. C.C. Ltd., not to provide employment to any of the dependents of the Late Deoki Gope is justified? If not, which of the two claimants *viz.* Kumari Shakunti, daughter of Smt. Atwa Devei second wife of the workman or Sh. Hiralal Gope, son of the said workman from his first wife is entitled to what relief?"

On receipt of the Order No. L-20012/150/2002-I.R. (C-I) dt. 07.10.2002 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 84 of 2002 was registered on 28.11.2002 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Ld. Counsels appeared respectively, and contested the case.

2. The cases of sponsoring Union Bihar Colliery Kamgar Union (CITU)/and NCODEA, Kathara, Bokaro, for their own petitioners Kumari Shakunti and Hiralal Gope respectively is that their father Late Deoki Gope was appointed as a permanent workman at Kathara Colliery on 22.11.1961. He died on 21.9.98 during the tenure of his service. Then his 2nd wife Smt. Atwa Devi who was incapable to work and not entitled for employment represented to the Management for providing an employment to his daughter Kumari Shakunti. According to the settled law, the wife of Deoki Gope is the first dependent, in the event of here denial, the daughter or the son of late workman is entitled for employment under the

provisions of the NCWA. The Management though on principle agreed, yet had not provided an employment to the dependent of late workman. After awaiting for reasonable time on the assurance of the Management, the dispute was raised for employment of Kumari Shakunti, but due to its failure in conciliation, it resulted in the reference for an adjudication. So the action of the Management of Kathara Colliery of M/s CCL in not providing an employment to any of the dependents of Late Deoki Gope is arbitrary, illegal and unjustified. Initially, the name of Kumari Shakunti due to inadvertence was not included, so her name has been included as per the Corrigendum dt 2.2.2003 of the appropriate Government after the representation for it. Thus, Kumari Shakunti is entitled to her employment.

3. Likewise, Shri Hiralal Gope, the son of Late workman Deoki Gope in his written statement filed through the N.C.O.E.A has put his claim for his employment, as his father, a permanent workman, working as Fitter Gr. I., had prematurely but suddenly died in harness on 21.9.98. His family members in lack of his only source of income fell in crisis and hardship. Smt. Atwa Devi, the second wife of Late Deoki Gope, was 49 years old on 21.09.98, at his death time as per the entries made in his Service Excerpts., so she being more than 45 years old was not entitled to any employment. The petitioner Hiralal Gope on assurance of the Management had submitted all the relevant papers and documents in support of his claim for the employment, but the Management failed to provide him any employment according to the provisions of NCWA. Then the industrial dispute was raised through his Union before the ALC ©, Hazaribagh, but its failure in conciliation resulted in the reference for an adjudication. The action of the Management in not providing an employment to him is not justified. Petitioner Hiralal Gope is retrospectively entitled to an employment.

4. Whereas in challenge to it, the case of the OP/Management is that neither the industrial dispute being one under Sec. 2K of the I.D. Act, 1947 nor any of petitioners Kumari Shakunti and Hiralal Gope is a workman u/s 25 of the said Act nor the Sponsoring Union has any locus standi to raise the industrial dispute for an employment, as they have a dispute between them decidable only by the Civil Court. The provisions of the NCWA provides for an employment to the dependent of the deceased employee only to meet the immediate crisis ensuing his death. It does not provide for an employment of the legal heir of the deceased employee. Late Deoki Gope was appointed at Kathara Colliery on 22.1.1961, and he had expired on 21.09.1998 in harness. The service record of the deceased workman mentioned his family members. 1. Smt. Atwa Devi - wife, 2. Hiralal Gope - son, 3. Kumari Arati and 4. Kumari Shakunti - daughters. Hiralal Gope, the son of the deceased workman, mentioned in his application for employment that his father from his 1st

wife Kunti Devi had four children: Hiralal Gope, (also a petitioner), Smt. Shanti Devi, Smt. Sohago Devi and Smt. Uramila Devi. Kumari Shakunti also mentioned in her application for employment that the deceased workman from his second wife Smt. Atwa Devi had two daughters, namely, Smt. Arti Devi and Shakunti Kumari herself. The Controlling Authority in dispute under the payment of Gratuity act had divided that the gratuity in the P.G. Case No. 36/46/2001 equally between Smt. Hiralal Gope and Smt. Atwa Devi, the son and the second wife of Late Deoki Gope respectively. The OP/Management could not process the papers of any of the both claimants for employment. Lapse of sufficient time in the dispute revealed no crisis in the family of Late workman. None of the claimants is entitled to get employment in CCL due to over delay for it. The provisions of NCWA already got frustrated, so there is no scope for granting any relief to any of them.

The OP/Management in their simultaneous rejoinder have specifically denied the allegations of the petitioners as incorrect, further alleging that petitioner Hiralal Gope was not dependent upon the earning of the deceased workman. The provision of NCWA for employment does not provide for legal right to any of the dependents, none of them is entitled to any relief.

#### FINDING WITH REASONS

5. In the instant reference, only WW1 P.K. Biswas, the area Secretary of the NCOEA, Swang, Bokaro, Sponsoring for petitioner Hiralal Gope has been examined. But not any witness on behalf of either other petitioner Kumari Shakunti or the OP/Management has been examined despite ample opportunity.

Mr. S.N. Ghosh, Learned Counsel for the Sponsoring Union concerned has to submit that the death of deceased workman Deoki Gope, a permanent workman at Kathara Colliery working as a Fitter Gr. I on 21.9.1998, in harness is an acknowledged fact (Ext.M.1). In the instant case it is also beyond dispute that out of the two petitioners Kumari Shakunti and Shri Hiralal, the daughter from 2nd wife widow Atwa Devi and son respectively of the deceased workman, aforesaid Shakunti also known as Shagunti Kumari who was about 15 years old at the time of her father is now married as per the Death cum Membership Certificate of the deceased workman Deoki Gope's family members (Ext.W.1). So she is not entitled to an employment, but other petitioner Hiralal Gope is the sole son of the deceased workman is entitled to his employment under the provisions of the NCWA, for which he had already admittedly applied before the OP/Management for his employment on compassionate ground, but the OP/Management did not give him any such employment; then the Union Representative (WWI) had validly raised the Industrial Dispute for it, as such the claim of petitioner Hiralal Gope for his employment is quite justified.

Whereas the contra contention of Mr. D.K. Verma, Learned Counsel for the OP/Management is that the provisions for employment provide for a dependent, but here both of the petitioners still survive and contest for it in the case of the workman's death in harness; that the grant of it against the provision is contrary to the Articles 14 and 16 of the Constitution; moreover, the Hon'ble Supreme Court has held that there is an exception for compassionate employment to meet only the crisis arising from the sudden death of the workman. It is further contended that besides the provision is enforceable only when other family members put in writing no objection to it or unless the applicant undertakes to maintain them, but the case has no such facts for consideration.

6. After hearing the arguments of both the aforesaid counsels for the respective parties concerned, I find first petitioner Kumari Shakunti Daughter of Smt. Atwa Devi, the second wife of the deceased, failed to appear and produce her evidence in support of her claim for her employment. Moreover she who is also known as Sagunti Kumari is now married to Sri Madhav Yadav of Gomia, Bokaro (Jharkhand) on 08.07.2008 as per his marriage card (marked 'X' for identification). Next to her, the second petitioner Hiralal Gope, the sole son of the deceased workman from his first wife comes under the I.I.No. 8 dt. 22.2.1996 under 3.3 "Employment to one dependent of the worker who dies while in service clause 9.3.2." of the NCWA-V which covers the instant case of the death of Late Deoki Gope on 21.9.98. It is already indisputable fact that the second petitioner Hiralal Gope, the son of the deceased workman, in support of his claim has already duly applied for his employment on compassionate ground in place of his premature death of his father workman under the said provision of the NCWA concerned. In such situation, the survival of both the petitioners is immaterial.

In view of the aforesaid findings, it is, in the terms of the reference, hereby held and accordingly awarded that the action of the Management of Kathara Colliery of M/s C.C.Ltd. not to provide an employment to any of the dependents of Late Deoki Gope is/was unjustified. The management ought to have serially as provided under the provisions of the aforesaid NCWA-V considered to give an employment to Kumari Shakunti, daughter to Smt. Atwa Devi, second wife of the workman while she was unmarried, if major at the relevant time, but now, after her marriage, she got disqualified for it, then to the second petitioner Sri Hiralal Gope, son of the said workman from his first wife. Hence, petitioner Hiralal Gope, son of the premature deceased workman, is entitled to an employment on compassionate ground under the clause 9.3.3 of the NCWA-V and its I. I.No. 8 clause 3.3.

7. Therefore the OP/Management is directed to implement the Award in a month from the date of its receipt following the publication of it by the Government of India

in the Gazette of India, even after relaxing, if any, the age of petitioner Shri Hiralal Gope or in view of the date of his application already made to the OP/Management for his employment on compassionate ground, but on the condition of the Undertaking of the petitioner Hiralal Gope for the maintenance of his second Mother Atwa Devi during her life time till her death with due human respect.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2015

**का.आ. 1792.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एअर इण्डिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1, दिल्ली के पंचाट (संदर्भ संख्या 11/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं० एल-20013/2/2015-आईआर (सी-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 3rd September, 2015

**S.O. 1792.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi (filed under Section 33-A in matter of I.D. No. 11 of 2014) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Air India Ltd. and their workmen, received by the Central Government on 03/09/2015.

[No. L-20013/2/2015-IR(C-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO. 1, KARKARDOOMA COURT COMPLEX, DELHI**

**ID No. 11 of 2014**

Shri Rakesh Kumar,  
R/o RZ-7A/29, Puran Nagar,  
New Delhi-110068

...Workman

*Versus*

1. The Chairman,  
Air India Ltd. (erstwhile Indian Airlines Ltd.)  
Indira Gandhi International Airport  
New Delhi

2. Senior Vice President,  
Air India Sats Airport Services Pvt. Ltd.  
A-63, IGI Airport Road, NH-08,  
Mahipalpur (Hotel Taurus)  
New Delhi-110037

...Management

#### AWARD

Present dispute has been raised directly by the workman, Shri Rakesh Kumar, under sub-section (33A) of the Industrial Disputes Act, 1947 (in short the Act). It has been averred therein that an industrial dispute was raised before the Conciliation Officer on 22.06.2012 wherein demands relating to equal wages as to that of the employees of Air India, besides other benefits were raised. In the said industrial dispute, claimant was a concerned employee. Conciliation Officer entered into conciliation proceeding but no settlement could be arrived at. Failure of Conciliation report was sent by the Conciliation Officer to the appropriate Government on 12.08.2013. During pendency of the industrial dispute before the Conciliation Officer, services of the claimant were dispensed with on 23.12.2012.

2. It is averred in the application that the workman was employed by Respondent No. 2, Air India Sats Airport Services Pvt. Ltd. on 09.12.2010 as Equipment Operator and since then he had been serving the management sincerely and honestly and had an unblemished record. He was paid monthly wages of Rs. 10,000.00. On 13.07.2013, brother in law of the workman sustained serious grievous injuries in an accident while on duty and had to be admitted to Spinal Injuries Centre Hospital and the workman was orally allowed by the Respondent No. 2 to look after his brother-in-law in hospital. Entire medical expenses were also borne by Respondent No. 2.

3. He worked continuously upto 24.11.2012. His PIC expired on 24.11.2012. After extending his PIC for three days, the workman was forced to proceed on 15 days privilege leave. Thereafter, despite repeated requests, the management did not allow him to resume his duties. In reply to his letter dated 07.01.2013 requesting for resumption of duties, the management terminated his services *vide* letter dated 02.01.2013 without any notice, notice pay, enquiry compensation and other legal dues and even without moving an approval application simultaneously before the Conciliation Officer where an industrial dispute was pending. The workers of the establishment had raised an industrial dispute through the union before the Regional Labour Commissioner regarding general demands of increase in wages and allowances etc. on 22.06.2012, in which the workman is concerned workman. Prayer has been made to direct the management to reinstate the workman with all consequential benefits as his termination was in violation of the Mandatory provisions of Section 33(2)(b) of the Act, is in contravention of Section 33 of the Act.



4. Written statement was filed by Respondent No. 1, Air India Ltd. averring therein that the workman was not on their rolls. He was neither engaged nor disengaged by them.

5. In the written statement filed by Respondent No. 2, Air India Sats Airport Services Pvt. Ltd., it has been averred that the claimant has not approached the appropriate forum. The workman was engaged for a fixed term and a letter to this effect was also issued to him. As per the terms and conditions, there was a stipulation that in case of employee's absence from work for continuous period of 8 days without obtaining prior approval of the company or over-staying the sanctioned leave beyond a period of 8 days, without prior permission, the workman's engagement shall be liable to be terminated without notice. Stand has also been taken that the management has neither violated any terms and conditions of the employment inured to the benefit of the workman during pendency of the industrial dispute nor was he in any way connected with the industrial dispute pending before the Conciliation Officer, hence there was no necessity to seek any approval/premission under Section 33 of the Act. The complainant had left on his own without assigning or communicating any reason or information. Therefore, the workman was relieved from service on 02.01.2013.

6. On perusal of pleadings of the parties, following issues were settled on 20.01.2015, and the case was listed for evidence of the claimant:

- (1) Whether the termination order dated 24.02.2013 is invalid ab-initio?
- (2) Whether there is any privity of contract between the claimant and the management?

7. However, despite several opportunities, the claimant could not be contacted by his authorized representative despite his best efforts. Hence, evidence of the claimant was closed. Management also did not want to lead any evidence. Since the workman has not put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated: August 3, 2015

A.C. DOGRA, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2015

**का.आ. 1793.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीडब्ल्यूएफएस के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, नं० 1, दिल्ली के पंचाट (संदर्भ संख्या 67/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं० एल-11012/19/2014-आईआर (सीएम-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 3rd September, 2015

**S.O. 1793.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 67/2014 of the Central Govt. Indus. Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the management of M/s. BWFS and their workmen, received by the Central Government on 03/09/2015.

[No. L-11012/19/2014-IR(CM-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO. 1, KARKARDOOMA COURT COMPLEX, DELHI**

#### ID NO. 67/2014

The General Secretary,  
BWFS Karamchari Union (Regd.)  
P.No. 54, Shahabad Mohamadpur,  
New Delhi 110 061

...Workman

*Versus*

The Director,  
M/s Bird Worldwide Flight Services (India) Pvt. Ltd.,  
E-9, Connaught House, Connaught Circus,  
New Delhi 110001

...Management

#### AWARD

Central Government, *vide* letter No. L-11012/19/2014-IR (CM-I) dated 16.07.2014, referred the following industrial dispute to this Tribunal for adjudication:

"Whether stopping of work by the workman of the management of Bird Worldwide Flight Services Pvt. Ltd. (BWFS) at IGI Airport during the pendency of conciliation proceedings can be construed as strike and is just, fair and legal? To what relief the workmen concerned are entitled to and from which date?"

2. On receipt of the above reference, notice was sent to the workman as well as the management. Despite several opportunities, claimant failed to file his statement of claim. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

3. Since the workman has failed to file his statement of claim, as such, this Tribunal is left no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 13, 2015

A.C. DOGRA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1794.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकता के पंचाट (संदर्भ सं. 08/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 को प्राप्त हुआ था।

[सं. एल-41012/47/2013-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1794.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 63/2013) of the Central Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Eastern Railway and their workmen, received by the Central Government on 04/09/2015.

[No.L-41012/47/2013-IR (B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### REFERENCE NO. 63 OF 2013

**Parties:** Employers in relation to the management of Carriage & Wagon Workshop, Eastern Railway  
AND  
Their workmen

**Present:** Justice Dipak Saha Ray, Presiding Officer

#### APPEARANCE:

On behalf of the : None  
Management

On behalf of the : None  
Workmen

State : West Bengal Industry: Railways.

Dated: 24th August, 2015

#### AWARD

By order No. L-41012/47/2013-IR (B-I) dated 28.11.2013 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Eastern Railway is justified for termination of services of Sri Chandan Kumar De is legal and or justified?

To what relief the workman is entitled?"

2. When the case is taken up today for hearing none appears on behalf of either of the parties. It appears from the previous day's order that the concerned workman is not willing to proceed with this case further as according to him this Tribunal has no jurisdiction to adjudicate the present reference. Considering the above, it appears that no fruitful purpose will be served in keeping the matter pending.

3. In view of the above, the instant reference is disposed of by passing a "No Dispute Award".

Dated, Kolkata,

The 24th August, 2015.

JUSTICE DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1795.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट (संदर्भ संख्या 19/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 को प्राप्त हुआ था।

[सं. एल-41011/45/2014-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1795.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No-1, Mumbai as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 04/09/2015.

[No.L-41011/45/2014-IR (B-I)]

SUMATI SAKLANI, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1****MUMBAI****Present**

JUSTICE S.P. MEHROTRA,  
Presiding Officer

**REFERENCE NO. CGIT-1/19 OF 2014**

**Parties:** Employers in relation to the management of  
Central Railway  
**And**  
Their Workman

**Appearances:**

For the first party/Management : Mr. Abhay  
Kulkarni, Adv.

For the second party/Union : None present.

State : Maharashtra

Mumbai, dated the 27th day of July, 2015

**AWARD**

1. The present Reference has been made by the Central Government by its order dated 27.5.2014 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947. The terms of Reference as per the Schedule to the said order are as under:

"Whether the action of the management of Divl. Engineer, Central Railway, Pune by not giving HRA for the period from 17.6.2008 to 31.3.2010 and withholding the increment with cumulative effect of Shri Parasnath Ray is legal and justified? If not, what relief the workman is entitled to?"

2. By the Order dated 30.6.2014, this Tribunal directed for issuance of Notices to the parties, and the case was directed to be put up on 8.8.2014. Notices were accordingly issued to the parties by Registered Post AD.

3. Pursuant to the Order dated 30.6.2014, the case was put up on 8.8.2014. On 8.8.2014, the Tribunal noted in its Order that the notice issued to the first party/Management and the notice issued to the second party/Union had been duly served, and the respective Acknowledgement Cards had been received back. Mrs. Pooja Kulkarni, Advocate was present for the first Party/Management. However, none was present for the second party/Union. In the circumstances, by the Order dated 8.8.2014, the case was adjourned to 23.9.2014 for filing Statement of Claim on behalf of the second party/Union.

4. Pursuant to the Order dated 8.8.2014, the matter was put up on 23.9.2014. On the said date, *i.e.* 23.9.2014, Mrs. Pooja Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 23.9.2014, the case was adjourned to 17.11.2014 for filing Statement of Claim on behalf of the second party/Union.

5. Pursuant to the Order dated 23.9.2014, the matter was put up on 17.11.2014. Mrs. Pooja Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 17.11.2014, the case was adjourned to 7.1.2015 for filing Statement of Claim on behalf of the second party/Union.

6. Pursuant to the Order dated 17.11.2014, the matter was put up on 7.1.2015. Mrs. Pooja Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 7.1.2015, the case was adjourned to 23.1.2015 for filing Statement of Claim on behalf of the second party/Union.

7. Pursuant to the Order dated 7.1.2015, the matter was put up on 23.1.2015. On the said date, *i.e.* 23.1.2015, Mrs. Pooja Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 23.1.2015, the case was adjourned to 10.2.2015 for filing Statement of Claim on behalf of the second party/Union.

8. Pursuant to the Order dated 23.1.2015, the matter was put up on 10.2.2015. On the said date, *i.e.* 10.2.2015, Mrs. Pooja Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 10.2.2015, the case was adjourned to 17.3.2015 for filing Statement of Claim on behalf of the second party/Union.

9. Pursuant to the Order dated 10.2.2015, the matter was put up on 17.3.2015. On the said date, *i.e.* 17.3.2015, none was present for the first party/Management nor was anyone present on behalf of the second party/Union. In the circumstances, by the Order dated 17.3.2015, the case was adjourned to 14.4.2015 for filing Statement of Claim on behalf of the second party/Union.

10. As 14.4.2015 was declared as a holiday on account of "Birthday of Dr. B.R. Ambedkar", the Tribunal by the Order dated 15.4.2015 directed the matter to come up on 26.5.2015.

11. Pursuant to the Order dated 15.4.2015, the case was put up on 26.5.2015. On the said date, *i.e.* 26.5.2015, Mr. Abhay Kulkarni, Advocate was present for the first

party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 26.5.2015, the case was adjourned to 11.6.2015 for filing Statement of Claim on behalf of the second party/Union.

12. Pursuant to the Order dated 26.5.2015, the case was put up on 11.6.2015. On the said date, *i.e.* 11.6.2015, Mrs. Pooja Kulkarni, holding brief for Mr. Abhay Kulkarni, Advocate was present for the first party/Management. However, none was present on behalf of the second party/Union. In the circumstances, by the Order dated 11.6.2015, the case was adjourned to 27.7.2015 for filing Statement of Claim on behalf of the second party/Union.

13. Pursuant to the Order dated 11.6.2015, the case is put up today.

Vakalatnama of Mr. Abhay Kulkarni, Advocate has been filed today on behalf of the first party/Management.

Mrs. Pooja Kulkarni, holding brief for Mr. Abhay Kulkarni, learned counsel for the first party party/Management is present. However, none is present for the second party/Union.

No Statement of Claim has been filed on behalf of the second party/Union.

14. From the above narration of facts, it is evident that despite service of notice, none has put in appearance on behalf of the second party/Union despite repeated adjournments having been granted in the matter.

15. No Statement of Claim has so far been filed on behalf of the second party/Union.

16. In view of the above, it is evident that there is no pleading or evidence filed on behalf of the second party/Union in respect of the Claim as contained in the aforesaid Reference.

17. No Relief, therefore, can be granted to the second party/Union in regard to the Claim as contained in the above Reference.

18. The Reference made to this Tribunal is consequently answered by stating that no relief can be granted to the second party/Union in regard to the Claim as contained in the Reference.

19. Award is passed accordingly.

JUSTICE S.P. MEHROTRA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1796.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डी एम आर सी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

दिल्ली के पंचाट (संदर्भ संख्या 3/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 को प्राप्त हुआ था।

[सं. एल-41011/68/2011-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1796.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 3/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No-1, Delhi as shown in the Annexure, in the industrial dispute between the management of DMRC and their workmen, received by the Central Government on 04/09/2015.

[No. L-41011/68/2011-IR(B-1)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO. 1, KARKARDOOMA COURT COMPLEX, DELHI**

**ID NO. 3/2012**

The General Secretary  
General Mazdoor Lal Jhanda Union,  
I-441, Karampura,  
New Delhi-15

...Workman

*Versus*

1. The Chief Manager,  
Delhi Metro Rail Corporation  
Shastri Park,  
New Delhi
  2. The Project Manager,  
M/s ITD-ITD-CEM-JV, Lokesh,  
DMRC Project Delhi Contract No. BC-24,  
Site near Mundka Railway Station, Nangloi,  
Delhi
- ...Management

#### AWARD

Central Government, *vide* letter No. L-41011/68/2011/IR(B-I) dated 09.12.2011, referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s ITD-ITD-CEM-JV (Sub-contractor Delhi Metro Rail Corporation, New Delhi) engaged on contract No. BC-24 by the DMRC, New Delhi in terminating the services of (1) Shri Raj Kumar Mishra S/o Shri Shyam



Narayan, (2) Shri Nanak Chand S/o Shri Mahender Singh and (3) Shri Dharmender Singh S/o Shri Amar Singh with effect from 05.03.2009, 22.03.2009 and 21.01.2009 respectively, is legal and justified? To what relief the workmen/union is entitled?"

2. On receipt of the above reference, notice was sent to the workman as well as the management. Claim statement was filed on behalf of Shri Nanak Chand and Shri Dharmender. The third claimant, namely Shri Raj Kumar Mishra was not willing to file his claim statement. Claim statement was demurred by the managements. Later on, amended claim statement was filed on behalf of the claimant union to which amended written statement was filed by the management. On perusal of pleadings, following issues were framed by my learned predecessor and the case was fixed for evidence of the parties:

- (1) Whether there existed any privity of contract between the claimants and the management No. 1?
- (2) Whether there existed any relationship of employer and employee between the claimants and management No. 2?
- (3) Whether claimants were engaged by M/s Kamal Kant Tripathi, sub-contractor?
- (4) As in terms of reference.

3. Claimants thereafter moved an application under section 18(3) (b) of the Industrial Disputes Act, 1947, pleading therein that M/s Kamal Kant Tripathi and M/s Manoj Kumar Tripathi, sub-contractors may be added in arrays to the management. It was claimed in the application that management No. 2 had stated in their written statement that claimants were engaged by the aforesaid sub-contractors. In view of the facts pleaded in the written statement, aforesaid sub-contractors were to be arrayed as parties to the present dispute and notice of the application was given to the managements, who had no objection in case the application is granted, hence M/s Kamal Kant Tripathi and M/s Manoj Kumar Tripathi were added in arrays of parties. However, notices issued M/s Kamal Kant Tripathi and Manoj Kant Tripathi were received back with the report that no such person is available now at the given address. Claimant union was time and again directed to furnish fresh address of M/s Kamal Kant Tripathi and Manoj Kant Tripathi. However, since the last several dates of hearing, *i.e.* 11.02.2014, 13.03.2014, 21.04.2014 17.06.2014, 18.07.2014, 29.08.2014, 10.10.2014, 27.11.2014, 15.01.2015, 26.02.2015 and 16.04.2015, neither the claimants nor authorized representative on their behalf appeared on behalf of the claimant union so as to pursue their case. Thus, it is clear that the claimant union is not interested in adjudication of the reference on merits.

3. Since the claimants have neither put in appearance nor have they led any evidence so as to prove their cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated: August 5, 2015

A.C. DOGRA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1797.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैनई के पंचाट संदर्भ संख्या (79/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 प्राप्त हुआ था।

[सं० एल-12025/01/2015-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1797.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 79/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of state Bank of India and their workmen, received by the Central Government on 04/09/2015.

[No. L-12025/01/2015-IR (B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 30th July, 2015

**Present:**

K.P. PRASANNA KUMARI, Presiding Officer

**Industrial Dispute No. 79/2014**

(In the matter of the dispute for adjudication under clause 2(A) (2) (1) of the Industrial Disputes Act, 1947 (as amended by Act-24 of 2010 *w.e.f.* 15.09.2010) between the Management of State Bank of India and their workman)

#### BETWEEN

Ms. D. Suganthi

: 1st Party/Petitioner

AND

1. The Deputy General Manager : 2nd Party/1st  
(B & O), Appellate Authority, Respondent  
State Bank of India  
Administrative Unit,  
Kurinji Complex  
State Bank Road  
Coimbatore-641018
2. The Regional Manager : 2nd Party/2nd  
(Region-II) Respondent  
Disciplinary Authority,  
State Bank of India  
Administrative Unit,  
Kurinji Complex  
State Bank Road  
Coimbatore-641018

**Appearance:**

- For the 1st Party/Petitioner : M/s Balan Haridas,  
Advocates
- For the 2nd Party/1st and 2nd : M/s S. Ravindran,  
Respondent Advocates

**AWARD**

This is an Industrial Dispute taken on file under 2(A) (2) (1) of the Industrial Disputes Act, 1947 (as amended by Act-24 of 2010 *w.e.f.* 15.09.2010).

The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner was working as a Special Assistant in the State Bank of India. The entire service of the petitioner but for the incident in question is without any blemish. The Second Respondent had issued Charge Memo dated 06.06.2012 containing seven charges to the petitioner. The petitioner had given her explanation and denied the charges. The respondent had ordered domestic enquiry. The Enquiry Officer, on conducting enquiry, found that the charges against the petitioner other than Charge No. 2 are proved. The action of the Enquiry Officer in taking the documents on record is in violation of the principles of natural justice. The documents were not proved in the manner known to law. The petitioner had not committed any misconduct as alleged in the Charge Memo. The petitioner was discharged from service with superannuation benefits and without disqualification for future employment on the basis of the report of the Enquiry Officer. The punishment is without any justification. An order may be passed holding that the punishment imposed by the Second

Respondent on the petitioner by order dated 21.06.2013 is illegal and arbitrary, set aside the same and direct the Respondents to reinstate the petitioner with back wages, continuity of service and other attendant benefits.

2. The First Respondent has filed Counter Statement contending as below:

While the petitioner was working as an Assistant in Erode Branch of the Respondent she was maintaining a Savings Bank Account with No. 30356808102. On inspection carried out after she was transferred to Udagamandalam branch it was found that monetary transactions in the petitioner's SB A/c were abnormal. On verification of transactions in other branches where the petitioner worked, *viz.* Agraharam, Erode and Arachalur huge transactions and irregularities committed in the petitioner's SB Account were found out. A SB Account is predominantly for the personal use of the individual and is not intended for an commercial transactions. The bank employees are also entitled to open SB Account for their personal use. The employees are not expected to allow their position in the bank to be misused to third parties who want to conceal their commercial transaction from the eyes of law. The petitioner had transferred huge sums from the TASMAL account to her account on seven instances and it amounts to misconduct. The petitioner's account reflected transaction of huge sums of money, disproportionate to her earnings. On 06.06.2012 Charge Sheet was issued to the petitioner listing seven charges which would amount to major misconduct under the Memorandum of Settlement dated 10.04.2002. Charges 1, 4, 6 and 7 were the details of 55 transactions between May 2008 to April 2011 wherein the petitioner allowed certain third parties to use the SB Account as the medium for the commercial transaction. The petitioner's conduct of wrongly debiting a school account and crediting a sum of Rs. 2,600/- to her account comes under Charge No. 2. As per the fifth charge the petitioner unauthorizedly held Rs. 10,000 in respect of SB Account of one Subramaniam. The petitioner did not deny the transactions mentioned in the annexure to the Charge Sheet. The explanation given by the petitioner was not satisfactory. A domestic enquiry was held. The petitioner was represented by a union member. The Enquiry Officer found charges 1, 4, 6 and 7 fully proved and Charges No. 3 and 5 partly proved. After hearing the petitioner she was awarded penalty of discharge from service with superannuation benefits and without disqualification from future employment. There is no valid ground to interfere with the punishment awarded to the petitioner. The order of termination of the petitioner is to be upheld.

3. The Second Respondent has filed Counter Statement adopting the Counter Statement of the First Respondent.

4. The petitioner has filed a rejoinder denying the allegations in the Counter Statement.

5. The evidence in the case consists of oral evidence of Ext. W1 to Ext. W 16 and Ext. M 1 to Ext. M 97.

**6. The points for consideration are:**

- (i) Whether the Respondents are justified in terminating the petitioner from service?
- (ii) What, if any, is the relief to which the petitioner is entitled?

**The Points**

7. The petitioner had joined the service of First Respondent Bank in the Year 1987. At the time she was proceeded against for alleged misconducts, she was working as a Special Assistant. After she was transferred from Erode Branch, an inspection seems to have been carried out consequent to which the alleged misconducts were detected.

8. Ext. W1 is the Show Cause Notice dated 31.01.2012 issued to the petitioner seeking explanation for the irregularities that were allegedly noticed in her transaction. In this Show Cause Notice the irregularities allegedly committed by the petitioner at different branches where she worked are referred to. At GH road branch she is said to have remitted cash as well as effected transfer transactions from her account to third party accounts in which the amount aggregated Rs. 5,00,700/- On 14.06.2008 she is said to have debited Rs. 5,000/- from the account of one Muhammad Mustafa and credited it to the account of Heera Enterprises. At Agraharam Branch during the period of May 2007 to February 2008 and during the period from August 2008 to December 2009 she is said to have made a cash withdrawal of Rs. 1000/- by debit of the current account of one Muhammad Hanifa Sahib and Sons without voucher and reversed the debit entry by transferring the amount by debit to her own current account, has allegedly prepared a composite voucher for Rs. 2,600/- for debiting her account and for crediting to her another account whereas she actually debited the account of a school. On seven occasions she is said to have received remittances for credit of TASMACH account but credited the amount to her own account and subsequently reversed the account and credited to TASMACH account. She is also said to have transfer transactions from her account to third party accounts aggregating Rs. 1,66,190/- While at Erode branch the petitioner is said to have transferred Rs. 10,000/- from her account to one Subramanian without any voucher, then set hold for the same without any authority and subsequently debited his account and transferred the amount to her own account by removing the hold. At Arachalur Branch the petitioner is said to have remitted cash as well as effected transfer transactions from her

account to third party accounts aggregating Rs. 1,49,475/-. It is stated in the Show Cause Notice that the credit summation of her accounts were disproportionate to her known source of income.

9. The petitioner submitted an explanation, the copy of which is marked as Ext. W2. In her explanation the petitioner has not denied any of the transactions mentioned in the Show Cause Notice. On the other hand she had tried to explain the transaction. As the explanation was found unsatisfactory, Charge Memo which is marked as Ext. W3 dated 06.06.2012 was issued to the petitioner. Ext. W4 is the explanation given by her to the Charge Memo. In this also she has tried to explain the transactions and did not deny any of them.

10. In the enquiry proceedings the Management had produced copies of the transactions regarding which irregularities were alleged against the petitioner. The documents were marked on the side of the Management without examining any Officials connected to the documents. On the side of the petitioner, Mohammad Mustafa whose name figures in the Show Cause Notice was examined. The petitioner herself did not give any evidence. Some documents were marked on her side.

11. It has been argued on behalf of the petitioner that the documents are marked in a manner not known to law. It has been contended on behalf of the petitioner that is the absence of proof of these documents, they could not be relied upon at all. The counsel has referred to the decision of the Apex Court in *Roop Singh Negi vs. Punjab National Bank and others* reported in 2009 2 SCC 570 in this respect. It was held here that the purported evidence collected during investigation by the Investigating Officer could not be treated to be evidence in the disciplinary proceedings. It was a case where the management merely tendered the documents and did not prove the contents thereof by examining the relevant witnesses. On the other hand it has been argued by the counsel for the Respondent that in disciplinary proceedings, Evidence Act is not applicable and proof of the case is based on preponderance of probability. The counsel has referred to the decision of Justice Krishna Iyer in *State of Haryana and another vs. Rattan Singh* reported in 1982 1 LLJ 46 in this respect. The counsel has also referred to the decision in *General Manager, Punjab and Sindh Bank vs. Daya Singh* reported in 2010 4 LLN 37 where it was held that the relevant entries being in the handwriting of the concerned workman, the workman should have produced evidence against the documentary evidence produced by the Bank. He has also referred to the decision in *State Bank of India and others vs. Narendra Kumar Pandey* reported in 2013 2 LLJ 1 SC where it was held that if the charges are borne out from the documents kept in the normal course of business no oral evidence is necessary to prove those charges. He has also referred to the decision reported in AIR 1997 SC 2274 where it was held that there is absolute burden on the Management to prove the case. According to the counsel it is for the

petitioner to prove her case in view of the explanation submitted by her. He has maintained that the document produced proves the charges and it is for her to prove otherwise.

12. In answer to the arguments of the counsel for the Respondent that it is only the preponderance of probability that it is to be considered, the counsel for the petitioner has referred to the decision CHAIRMAN, PANDYAN GRAMA BANK, VIRUDHUNAGAR VS. PRESIDING OFFICER, CGIT, CHENNAI AND ANOTHER reported in 2010 for LLN 824 wherein it was held that the concept of preponderance of probability does not mean that the charges could be held to have been proved on mere surmises or conjectures or speculations, Surmises, conjectures or speculations can never take the place of proof at all. Proof by means of preponderance of probability denotes the standard which lies somewhere below the standard of proving criminal charge beyond reasonable doubt and slightly different from the standard of proof of any fact in civil case applying the technical rules of the Evidence Act, it was held. Thus, in the light of above decisions it could be seen that proof by applying the principle of preponderance of probability does not mean that it could be stretched to an extent where there is no proof at all and need not go to the extent of absolute proof in a criminal case or even that much proof required in a civil case. It is somewhere in between. In any case, there could not be any doubt that there should be sufficient proof to arrive at a conclusion that the charges alleged are true.

13. As could be seen there is no case for the petitioner that the documents produced and marked on the side of the Management and marked before this Tribunal as Ext. M1 to Ext. M89 are not regarding the transaction referred to in the Show Cause Notice and the Charge Memo. On the other hand it could be seen from her explanation that the Show Cause Notice as well as the Charge Memo that she has not denied any of the transactions referred to. She has admitted those transactions and has explained the purpose and the circumstances under which the transactions were made. In the absence of denial of the transactions by the petitioner the transactions referred to in Ext.M1 to Ext. M89 marked before the Enquiry officer are to be taken as proved to the extent of the admission made by the petitioner *i.e.* that she has entered into such and such transactions.

14. The argument that has been advanced on behalf of the Respondents is that the transactions having been admitted by the petitioner, there was no question of the Management proving the charges by examining any witnesses. According to the counsel for the Respondents, the admission coupled with the evidence given by Mohd. Mustafa, the witness examined by the petitioner sufficiently established the charges. On the other hand, it has been argued by the counsel for the petitioner that the transactions alleged will not constitute any irregularity or

misconduct at all and that in any case the Management has not proved the charges by adducing sufficient evidence. To appreciate the argument advanced on either side the charges are to be examined one by one. The second charge having been found not proved by the Enquiry Officer himself there is no necessity to consider this charge in this discussion.

15. Charge No. 1, 4 and 6 can be considered together, these being of the same nature. As per the first charge the petitioner has remitted cash as well as effected transfer transactions from her accounts to third party accounts aggregating Rs. 3,87,040/- while she was at Agraharam Branch as shown in the annexure to the Charge Sheet. As per the fourth charge she had remitted cash as well as effected transfer transactions to third party accounts aggregating Rs. 1,49,670/- as detailed in Annexure-C of the charge. As per the sixth charge she had remitted cash as well as effected transfer transactions from her accounts to third party accounts aggregating Rs. 1,49,475/- as detailed in Annexure-D to the charge.

16. I have already referred to the fact that the petitioner has not disputed these transactions. The documents pertaining to transactions produced by the Respondent were relied upon by the Enquiry Officer to enter a finding that the charges are proved. Even though nobody has been examined on the side of the Management the documents pertaining to the transactions can be relied upon in view of the very admission of the petitioner that those transactions were entered into by her. She has stated in Ext.W4-the explanation to the Charge Memo that the transactions were for the purchase of UPS, tiles and other items. Regarding certain items she has explained that they were in favour of her mother sister, close friends, etc.

17. It has been argued by the counsel for the Respondent that the transactions having been admitted, the charges are to be taken as proved in the absence of any evidence on the part of the petitioner. Though the petitioner has not examined herself. She has examined Mohd. Mustafa, the proprietor of Heera Enterprises in whose favour several of the transactions are. This witness is a former employee of the State Bank of India and was a colleague of petitioner's father as could be seen from his evidence. There is the evidence by this witness that he had supplied building materials to the petitioner. This version of the witness is in consonance with the explanation given by the petitioner in Ext.W2 that she has constructed a house and has purchased building materials. There is nothing to disbelieve the version of Mohd. Mustafa.

18. After all what is the charge against the petitioner? The charge states that these transactions would amount to misconduct under Para-5(J) of the Memorandum of Settlement dated 10.04.2002. Clause-5 of Memorandum of Settlement describes certain acts and omissions as gross misconduct. Clause-5(J) states that doing any act prejudicial



to the interests of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss will come under gross misconduct. The transactions referred to under charges 1, 3 and 6 could not certainly be described as gross negligence or negligence involving or likely to involve the Bank in serious loss. There is no case at all that any loss was caused to the Bank on account of the above transactions. Now the question is whether these are transactions prejudicial to the interests of the Bank. True the petitioner has entered into several transactions through her Savings Bank Account. I have stated earlier that the transactions about which documents are produced are proved to the extent of admission by the petitioner. It is not enough for the Management to prove that such and such transactions were carried out by the petitioner. The Bank is also to establish that these transactions turned out to be prejudicial to the interests of the Bank and has affected the Bank adversely. The Respondent has not stated how these transactions came to be prejudicial to the interests of the Bank. It has not stated in what way the petitioner acted against the interests of the Bank. So these transactions cannot be termed prejudicial or against the interests of the Bank under Clause-5(J) of the Memorandum of Settlement. In this respect the counsel for the petitioner has referred to the decision of the Madras High Court in GUNASEKARAN VS. STATE BANK OF INDIA in Writ Petition No. 13601/2014. The allegation in the above case against the General Secretary of the SBI SC and ST Employees Welfare Association as well as STATE BANK AMBEDKAR TRADE UNION was that he distributed handbills to the general public making allegations against the Bank apart from his other acts. The High Court has held that the intention of the petitioner was not to tarnish the image of the institution and his action cannot be termed as an activity which is prejudicial to the interest of the Bank and therefore charge under Clause-5(J) of the Memorandum of Settlement is not made out. This finding was challenged by the State Bank and the Division Bench had upheld the decision of the single bench in Writ Appeal No. 3267/2015 and other cases. In the present case also there is nothing to show that the act of the petitioner in effecting the transactions has been in any way prejudicial to the interests of the Bank. So I find that a charge under Clause-5(J) of the Memorandum of Settlement will not even lie against the petitioner. The Enquiry Officer has entered a finding against the petitioner only on the basis that these transactions having been carried out by the petitioner the charges could be taken as proved. He did not try to find out if the transaction were in any way prejudicial to the interests of the Bank. The findings under these charges are to be revoked.

19. Charge No. 7 being one that flows from charges 1, 4 and 6, this can be considered next. The charge is that the credit summation in the accounts of the petitioner for the year 2008, 2009 and 2010 were Rs. 15,64,403/-, Rs. 11,52,860

and Rs. 11,91,269/- respectively and were disproportionate to her known source of income. The Management has not produced any proof as to what were the sources of income of the petitioner. Only if it is established it can be found out whether the credit summation is disproportionate to the known source of income. The Management merely seems to have calculated the amount that came to the account of the Bank to advance a charge that it is disproportionate to her known source of income. The petitioner has stated in her explanation that her husband also is a salaried person, that she has received arrears under different heads during the period and all these amount came to her account. However, the question of proving all this arises only after the Respondent proves that her account showed amount disproportionate to her known source of income. In the absence of such proof, merely based on the transactions revealed through the documents it could not be concluded that the petitioner had gathered amount disproportionate to her known source of income. The Enquiry Officer's finding in this respect also is fallacious and is to be overturned.

20. The third charge was found partly proved by the Enquiry Officer. The charge is that on seven occasions between 08.02.2008 and 09.12.2009 the remittances received by the petitioner over the counter for credit of TASMAC account were credited to her own account and subsequently reversed and credited to TASMAC account, in five occasions on the same day, and in two occasions on the next day, as detailed in Annexure-B. It is apparent from the very explanation given by the petitioner as per Ext.W2 that the allegation is true. She has stated in the explanation that rather than making remittance to the account of TASMAC, she has erroneously posted the same into her account. According to her she immediately identified the mistake and reversed the same mostly on the same day and the details have been recorded in her error book. The annexure shows that on 12.08.2009, 29.08.2008, 08.05.2009 and 09.12.2009 she had made remittances which were due to TASMAC account to her own account but had reversed them and remitted to the correct account *i.e.* TASMAC account on the same day. On 08.02.2008 two remittances were made in her own account rather than to the account of TASMAC and these were reversed on the next day by a single transaction. Thus, the very hold on the account for which she had no authority. She had herself released the account from the hold when she was in a position to debit the account and remit the amount to her own account. Thus this charge also is proved against the petitioner. However, this could not come under the definition of gross misconduct. It will come under minor misconduct under Clause-7(C) which is neglect of work and also Clause-D *i.e.* any breach of any rule or any business of the Bank or any instruction for the running of any department. There is no case for the Respondent that Subramani, the concerned account holder raised any objection and the act of the

petitioner happened to be prejudicial to the interests of the Bank in this manner. So this is also only a minor misconduct.

22. The petitioner has started service in the Respondent Bank in the year 1987. There is no case for the Respondent that she had been involved in any misconduct or any irregularity earlier. The petitioner does not deserve the punishment of dismissal from service for the minor misconducts committed by her. The punishment of dismissal is disproportionate to the nature of the misconduct. The Respondent had not acted judiciously in terminating the petitioner from service on the charge of gross misconduct. She is entitled to be reinstated in service. The Respondent is at liberty to impose proper punishment on the petitioner for the minor misconducts under Charge Nos. 3 and 5. Accordingly an award is passed as follows:

- (i) The punishment of "*discharge from service with superannuation benefits and without disqualification from future employment*" on the petitioner is set aside.
- (ii) The Respondent is directed to reinstate the petitioner in service with back wages, continuity of service and other benefits.
- (iii) The Respondent is at liberty to impose the required punishment on the petitioner for the offences proved under Charge Nos. 3 and 5.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th July, 2015.

K.P. PRASANNA KUMARI, Presiding Officer

#### Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/1st and 2nd Management : None

#### Documents Marked:

##### On the petitioner's side

Ex. No.	Date	Description
Ext.W1	31.01.2012	Show Cause Notice
Ext.W2	15.03.2012	Explanation of the Petitioner
Ext.W3	06.06.2012	Charge Memo
Ext.W4	22.06.2012	Explanation to the Charge Memo
Ext.W5	—	Enquiry Proceedings
Ext.W6	06.12.2012	Letter of the Respondent enclosing enquiry report
Ext.W7	15.12.2012	Petitioner's comments on the enquiry report
Ext.W8	06.02.2013	Personal hearing notice
Ext.W9	16.03.2013	Order of Punishment
Ext.W10	30.04.2013	Appeal
Ext.W11	07.05.2013	Personal hearing notice in appeal

Ext.W12	21.05.2013	Representation given in the personal hearing
Ext.W13	21.06.2013	Order of the Appellate Authority
Ext.W14	25.07.2013	Petition under Section-2A of the ID Act
Ext.W15	28.01.2014	Reply filed by the Respondent Bank
Ext.W16	17.02.2014	Rejoinder filed by the petitioner

##### On the Management's side

Ex. No.	Date	Description
Ext.M1	13.05.2008	Xerox copy of Rs. 5,000/- debit/credit slip voucher
Ext.M2	14.06.2008	Xerox copy of Rs. 40,000/- debit/credit slip voucher
Ext.M3	17.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 13,590/-
Ext.M4	18.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 2,000/-
Ext.M5	18.07.2008	Xerox copy of the credit/debit voucher for Rs. 30,000/-
Ext.M6	25.07.2008	Xerox copy of the credit/debit voucher for Rs. 10,000/-
Ext.M7	25.07.2008	Xerox copy of the credit/debit voucher for Rs. 20,000/-
Ext.M8	25.07.2008	Xerox copy of the credit/debit voucher for Rs. 30,000/-
Ext.M9	28.03.2008	Xerox copy of the credit voucher for Rs. 2,000/-
Ext.M10	28.03.2008	Xerox copy of the credit voucher for Rs. 2,000/-
Ext.M11	21.04.2008	Xerox copy of the credit voucher for Rs. 6,000/-
Ext.M12	21.04.2008	Xerox copy of the credit voucher for Rs. 15,000/-
Ext.M13	—	Xerox copy of the credit voucher for Rs. 3,100/-
Ext.M14	06.05.2008	Xerox copy of the credit voucher for Rs. 3,000/-
Ext.M15	07.05.2008	Xerox copy of the credit voucher for Rs. 1,850/-
Ext.M16	25.05.2008	Xerox copy of the credit voucher for Rs. 4,500/-
Ext.M17	22.05.2008	Xerox copy of the credit voucher for Rs. 10,000/-
Ext.M18	22.05.2008	Xerox copy of the credit voucher for Rs. 40,000/-
Ext.M19	27.05.2008	Xerox copy of the credit voucher for Rs. 20,000/-
Ext.M20	14.06.2008	Xerox copy of the credit voucher for Rs. 49,000/-
Ext.M21	14.06.2008	Xerox copy of the credit voucher for Rs. 9,000/-

Ext.M22	27.06.2008	Xerox copy of the credit voucher for Rs. 10,000/-	Ext.M46	07.05.2008	Xerox copy of the debit/credit slip voucher for Rs. 7,000/-
Ext.M23	27.06.2008	Xerox copy of the voucher for Rs. 1,000/-	Ext.M47	07.05.2008	Xerox copy of the credit voucher for Rs. 1,850/-
Ext.M24	17.07.2008	Xerox copy of the credit voucher for Rs. 50,000/-	Ext.M48	06.05.2008	Xerox copy of the debit/credit slip voucher for Rs. 20,000/-
Ext.M25	18.07.2008	Xerox copy of the credit voucher for Rs. 30,000/-	Ext.M49	06.05.2008	Xerox copy of the credit voucher for Rs. 3,000/-
Ext.M26	—	Account Statement of Suganthi	Ext.M50	—	Xerox copy of the credit voucher for Rs. 4,000/-
Ext.M27	19.08.2010	Copy of letter to Branch Manager, SBI by Subramani	Ext.M51	03.05.2008	Xerox copy of the credit voucher for Rs. 3,500/-
Ext.M28	02.03.2011	Xerox copy of the debit voucher for Rs. 1,40,000/-	Ext.M52	—	Xerox copy of the credit voucher for Rs. 3,100/-
Ext.M29	03.03.2011	Xerox copy of the credit voucher for Rs. 1,40,000/-	Ext.M53	02.05.2008	Xerox copy of the credit voucher for Rs. 500/-
Ext.M30	09.04.2011	Xerox copy of the debit voucher for Rs. 4,875/-	Ext.M54	14.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 40,000/-
Ext.M31	09.04.2011	Xerox copy of the credit voucher for Rs. 4,875/-	Ext.M55	14.06.2008	Xerox copy of the credit voucher for Rs. 9,000/-
Ext.M32	01.05.2008	Xerox copy of the SB A/c Statement of Suganthi	Ext.M56	14.06.2008	Xerox copy of the credit voucher for Rs. 40,000/-
	To	Duraisamy	Ext.M57	14.06.2008	Xerox copy of the credit and debit slip voucher for Rs. 2,000/-
	31.07.2008		Ext.M58	13.06.2008	Xerox copy of the credit voucher for Rs. 5,500/-
Ext.M33	29.05.2008	Xerox copy of the credit voucher for Rs. 3,000/-	Ext.M59	14.06.2008	Xerox copy of the credit voucher for Rs. 49,000/-
		debit/credit slip voucher	Ext.M60	—	Xerox copy of the credit voucher for Rs. 700/-
Ext.M34	14.05.2008	Xerox copy of Rs. 50/000/- debit/credit slip voucher	Ext.M61	16.04.2008	Xerox copy of the credit voucher for Rs. 24,500/-
Ext.M35	03.07.2008	Xerox copy of debit/credit slip voucher for Rs. 15,000/-	Ext.M62	16.04.2008	Xerox copy of the credit voucher for Rs. 8,001/-
Ext.M36	04.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 3,800/-	Ext.M63	16.04.2008	Xerox copy of the credit voucher for Rs. 3,000/-
Ext.M37	14.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 5,000/-	Ext.M64	24.04.2008	Xerox copy of the credit voucher for Rs. 15,000/-
Ext.M38	19.06.2008	Xerox copy of the debit/credit slip voucher for Rs. 2,000/-	Ext.M65	21.04.2008	Xerox copy of the credit voucher for Rs. 6,000/-
Ext.M39	21.06.2008	Xerox copy of the credit voucher for Rs. 10,000/-	Ext.M66	16.04.2008	Xerox copy of the credit voucher for Rs. 500/-
Ext.M40	17.07.2008	Xerox copy of the credit voucher for Rs. 50,000/-	Ext.M67	16.04.2008	Xerox copy of the credit voucher for Rs. 500/-
Ext.M41	17.07.2008	Xerox copy of the debit/credit slip voucher for Rs. 1,000/-	Ext.M68	15.04.2008	Xerox copy of the credit voucher for Rs. 24,500/-
Ext.M42	18.07.2008	Xerox copy of the voucher for Rs. 30,000/-	Ext.M69	28.03.2008	Xerox copy of the credit voucher for Rs. 2,000/-
Ext.M43	18.07.2008	Xerox copy of the debit/credit slip voucher for Rs. 10,000/-	Ext.M70	28.03.2008	Xerox copy of the credit voucher for Rs. 2,000/-
Ext.M44	21.07.2008	Xerox copy of the credit voucher for Rs. 400/-			
Ext.M45	07.05.2008	Xerox copy of the credit voucher for Rs. 1,850/-			

Ext.M71	28.03.2008	Xerox copy of the credit voucher for Rs. 2,000/-
Ext.M72	29.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 3,000/-
Ext.M73	27.03.2008	Xerox copy of the credit voucher for Rs. 20,000/-
Ext.M74	28.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 5,000/-
Ext.M75	22.05.2008	Xerox copy of the credit voucher for Rs. 38,000/-
Ext.M76	22.05.2008	Xerox copy of the credit voucher for Rs. 10,000/-
Ext.M77	22.05.2008	Xerox copy of the credit voucher for Rs. 40,000/-
Ext.M78	14.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 50,000/-
Ext.M79	13.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 5,000/-
Ext.M80	13.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 50/-
Ext.M81	14.05.2008	Xerox copy of the credit voucher for Rs. 100/-
Ext.M82	15.05.2008	Xerox copy of the credit voucher for Rs. 4,500/-
Ext.M83	16.05.2008	Xerox copy of the credit voucher for Rs. 4,500/-
Ext.M84	13.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 50,000/-
Ext.M85	13.05.2008	Xerox copy of the credit and debit slip voucher for Rs. 50,000/-
Ext.M86	05.02.2011	Xerox copy of the debit voucher for Rs. 1,27,705/-
Ext.M87	17.02.2011	Xerox copy of the credit voucher for Rs. 1,27,705/-
Ext.M88	08.03.2011	Xerox copy of the debit voucher for Rs. 4,725/-
Ext.M89	08.03.2011	Xerox copy of the credit voucher for Rs. 4,725/-
Ext.M90	—	Copy of the error register of BP Agraharam Branch
Ext.M91	08.10.2012	Letter of the Enquiry Officer by the Management of Heera Enterprises
Ext.M92	06.06.2012	Enquiry Proceedings
Ext.M93	—	Written statement of Management representatives
Ext.M94	03.11.2012	Written Statement of employee representatives
Ext.M95	28.02.2013	Letter to the petitioner appear for personal hearing
Ext.M96	13.03.2013	Personal hearing proceedings
Ext.M97	21.05.2013	Personal hearing proceedings

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1798.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद के पंचाट संदर्भ संख्या (102/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 को प्राप्त हुआ था।

[सं एल-12012/100/2004-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1798.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 102/2004) of the Cent.Govt.Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04/09/2015.

[No. L-12012/100/2004-IR(B-1)]

SUMATI SAKLANI, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD**

**Present :**

Shri Kishori Ram,  
Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act., 1947.

**Reference No. 102 of 2004**

**Parties** : Sri Mithai Lal Verma,  
Road No. 6, Ram Nagar, PO: Sonari,  
Jamshedpur,  
Vs.  
The Dy. General Manager,  
State Bank of India.  
Zonal Office, Kali Babu Street, Ranchi.  
Order No. L-12012/100/2004-IR(B-I) dt.  
17.08.2004

**Appearances:**

On behalf of the workman/Union : Mr. D. Mukherjee  
Ld. Advocate

On behalf of the Management : Mr. S.N. Goswami  
Ld. Advocate

State : Jharkhand Industry : Banking

Dated, Dhanbad, the 11th August, 2015



**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this tribunal for adjudication *vide* their Order No. L-12012/100/2004-IR(B-I) dt. 17.08.2004.

**SCHEDULE**

"Whether the action of the Management of State Bank of India in dismissal from services of Sh. Mithai Lal Verma is legal and justified? If not, to what relief the concerned applicant is entitled to?"

On receipt of the Order No. L-12012/100/2004-IR(B-I) dt. 17.08.2004 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 102 of 2004 was registered on 15.09.2004 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The petitioner/Union and the O.P./Management through their own Ld. Counsels appeared respectively, and contested the case.

2. The case of workman Sri Mithai Lal Verma as represented in his written statement is that he had joined the service of the State bank of India as Messenger cum Guard in the year 1974. But despite his service record unblemished, he was issued the chargesheet No. DGM/DPS/R/Gen./No. 51 on 4.2.94 by the Zonal Office, Ranchi, for some false and baseless allegations (Xerox copy of the charge sheet Annexure A). He replied the chargesheet on 3.2.94 (Xerox Copy of the chargesheet Annexure A). He replied the chargesheet on 2.3.94 (Xerox copy of the Reply-Annex-B), denying all allegations. The official of the Mango Branch of the Bank under the grab of completing the formalities had obtained from the workman his alleged confession letter on 18.4.93, but it was not mentioned in his charge sheet. In stead of properly holding in investigation into the matter despite his denial, the OP/Management decided to hold a domestic enquiry against him as a scapegoat in order to save the errant officials/clerk of the Bank. Accordingly the alleged domestic enquiry was motivatedly held against him, holding guilty, though the Management had utterly failed to prove his guilt. As the Enquiry Officer in his enquiry held the charge No. 1 proved based on his alleged confessional letter, but not the charge No. 2 proved, conclusively, holding that the workman never stated before him about his written

confession and witnessing by three employees of the Bank. It is also alleged by the workman in respect of the charge No. 1 that the Enquiry Officer was not satisfied with the presentation of the case, as presented by the P.Ws. the Enquiry Officer had also not tried to examine the Shambhu Pd., the complainant, for confirmation of the contents of his letter (PEX-4) which was not signed by any person. In spite of all these lacuna, the Officer-in-Charge held him guilty of the charge 1 on that ground of his alleged confession statement, without taking into account the burden of proof which was upon the Presenting Officer.

Further it is alleged on behalf of the workman moreover, the analysis of the deposition of alleged witnesses about the alleged confessional letter in the criminal case against him also raises serious doubts over the genuineness of the confessional letter (Xerox Copy of the Certified Copied of the Judgment passed in GR Case No. 1494/94-Annexure - C). Since the present workman being less illiterate and innocent could not protest the aforesaid alleged confessional statement in course of enquiry, though the Enquiry Officer did not consider the veracity of the confession letter in true spirit, yet the workman in course of his personal hearing before the Dy. G.M. had responded to the Question No. 6 that he was poor and had accepted his guilt with a request to forgive him as he would not commit any mistake in future and the same was not voluntarily, rather on the assurance of the Bank Officials. The workman could not get any proper legal advice for his reply due to financial crisis. The alleged confession other than in his reply to the chargesheet has no meaning in legal parlance, as the judgment of the Judicial Magistrate 1st Class, Jamshedpur passed in the aforesaid criminal case clearly affirms the innocence of the workman and no commission of any offence or misconduct as alleged by the Bank Management. As such the workman is entitled for due relief, as the chargesheet was one year delayed after the occurrence; no copies of the alleged documents of Shambhu Pd., and other documents were supplied to him; the finding of the Enquiry Officer was perverse; and the punishment of the dismissal to the workman was highly disproportionate to the alleged charges.

3. The workman in his rejoinder has specifically denied as incorrect, alleging the instant Reference is maintainable as the Industrial Dispute u/s 2-A of the Industrial Dispute Act., 1947. The workman had neither committed any forgery nor misappropriated any money of the Bank fraudulently to the tune of Rs. 11,031.35 in the year 1992-93 nor any misconduct under Shastri Award. The workman had participated in the enquiry, yet he was not allowed opportunities for his defence, amounting to complete violation of principle of natural justice. The Order of his dismissal by the Management is illegal motivated and unjustified. Thus it is liable to set aside and the workman is entitled to reinstatement with his full back wages and continuity of his service accompanied with all consequential benefits.

4. Whereas challenging the maintainability of the Reference on the ground of its vagueness and bad in the eye of law. Hence no Industrial Dispute, the contra case of the O.P./Management is that the workman, who was the permanent employee of the State Bank of India, in the year 1992-1993 has committed forgery and fraudulently misappropriated the Bank's money Rs. 11,031.35, which was detected subsequently in the year 1994. His aforesaid conduct was a grave misconduct under Shastri Award. In result, he was issued the chargesheet dt. 04.02.1994, to which he submitted his reply dt. 02.03.1994. On finding his explanation unsatisfactory by the Disciplinary Authority, the Enquiry Officer was appointed to conduct the departmental enquiry into it. On the notices of the enquiry, the departmental enquiry was held in the presence of the workman long with his co-worker who was given full opportunity for his defence by way of cross examination. The Enquiry was conducted in accordance with principle of natural justice. After the enquiry, the Enquiry Officer submitted his enquiry report to the Disciplinary Authority, holding the workman guilty of one of the two charges levelled against him. On supply of a copy of the Enquiry Report, the explanation of the workman to it was considered duly. Thereafter the Disciplinary Authority had gone through the enquiry proceedings and relevant papers, and then he (Disciplinary Authority) agreed with/considered the findings of the Enquiry Officer; then after giving the workman another opportunity for his defence in his personal hearing, the Disciplinary Authority after the application of his mind dismissed the workman from the service of the Bank *w.e.f.* 9.2.1998 in view of the gravity of the misconduct which was legal and justified.

5. Further case of the OP/Management in its simultaneous rejoinder has categorically denied all the allegations of the workman as false and baseless, alleging that the judgment of a Criminal Court of Law has got no impact on the domestic enquiry on the basis of which the Disciplinary action was taken in accordance with the settled principles of Law. The proceedings of the Department and the Court of the Criminal Jurisdiction are different; hence any verdict of acquittal passed by a Criminal Court is no ground to vitiate the findings arrived in the Departmental proceedings. In that light, workman Mr. Verma had withdrew his petition bearing No. CWJC 366/1999 (R) which was dismissed by the Hon'ble Court of Jharkhand at Ranchi with a liberty for him to prefer an appeal against the dismissal. The appeal filed by Shri Verma was also rejected by the Appellate Authority as per the order dt. 14.12.2002. The enquiry was conducted in accordance with the principle of natural justice as well as the procedure laid down in Shastri/Desai Award/Bipartite Settlement. The claim statement of the workman has no merits, as the workman had admitted the charge in the personal hearing before the Disciplinary Authority on 27.01.1998, prior to which he had also pleaded on 23.11.2002 for condonation of his guilt.

Therefore, the charge levelled against him stood proved by self confession. The Bank being a repository of Public Trust & Money can not carry its business with the persons like the workman of doubtful integrity as one aspects Highest order of honesty and integrity, admittedly small amount deposited by the Bankers Customers do not find their ways into the Chuffers of the Bank, but land up in the pocket of the employee, to say that the charge is not serious or the embezzlement as unintentional would be understatement. The dismissal of the workman by the Bank Management in view of the gravity of his proved misconduct is quite justified and legal. In such circumstances the workman is not entitled to any relief whatsoever.

### Findings with Reasons

6. In the instant reference, at the preliminary issue as to the fairness of the domestic enquiry, on the examination of MWI Ajay Kumar Gupta, the Manager JOR, as the Enquiry Officer and WW Mithai Lal Verma, the workman, the Tribunal as per its Order No. 41 dt. 28.08.13 held the domestic enquiry proper and in accordance with principle of natural justice.

In result, it came up for the hearing of arguments of both the parties on merits. The argument advanced on behalf of the workman Mithai Lal Verma is that at the relevant time, he was working as the Messenger cum Guard who had no power for cancellation of Draft or for opening on account of a customer, so the charge sheet for that issued against him was illegal. It is an acknowledged fact, as submitted on behalf of the workman, as also stated by Ajay Kumar Gupta (MWI) that an applicant like Sambhu Prasad (the customer) is required to apply for the cancellation of the Draft under his own signature. The application for cancellation of the Draft is verified by an Authorized Officer after the verification of it to his satisfaction, the cancellation of the Draft is effected. Likewise Banker cheque or an Account is encashed only by the A/c Holder through the withdrawal from under his signature following its due verification by the Officer concerned. The indisputable statement of the MWI reveals that though non appearance of Shambhu Pd. yet the appearance of Om Prakash Gupta, one of the complainants before him (MWI) beyond his recall, his enquiry report refers the statement of Shambhu Prasad and other (complainants). In such circumstances as submitted by the workman, the allegations as levelled against the workman stood unproved, as no evidence could be adduced by the Management; as such the dismissal of the workman on the ground alone is illegal and void abinitio; thus the workman is entitled to reinstatement with full back wages in the ends of justice.

7. On the other hand just contrary to it, the contention of Shri S.N. Goswami, Learned Counsel for the OP/Management is that initially workman Mithai Lal Verma,

the Messenger cum Guard of the Bank Management was chargesheeted for fraudulently obtaining the payment of Rs. 2000/- by cancellation of Mango Branch Draft dt. 13.11.1992 favouring Shri Shambhu Prasad drawn on Chiriya Branch and 2nd charge fraudulently obtaining the payment of undelivered Bank Cheque dt. 28.03.1992 for Rs. 9031.35 by opening a S/B Account in the name of beneficiary Om Prakash Narayan on different dates between 07.11.1992 to 23.11.1992 for misappropriation of Bank's money total 11,031.35, causing serious loss to the Bank amounting to serious aspersions on his integrity and bonafide, resulting prejudice to the interest of the Bank. Both the acts of the concerned workman were gross misconducts under Sec. 521(4)(j) of Shastry/Desai Award as per rule. On finding his reply dt. 02.03.1994 (Ext. M.2) unsatisfactory, the domestic enquiry was held by Mr. A.K. Gupta, the Enquiry Officer as per the letter dt. 20.06.1994 (Ext.M.5).

After many notices of enquiry from 9.1.95 to 17.1.97 (Ext. M. 6 series), the workman M.L. Verma appeared on the inquiry on 24.1.1995 as per the enquiry proceeding (Ext. M.7); thereafter the workman with his Defence Counsel P.K. Gupta all along appeared in the enquiry. After due enquiry, the Enquiry Officer submitted his Enquiry Report dt. 12.06.1997 (Ext. M. 8), holding the workman guilty of his misconduct under charge I only. The workman had also replied to the A.G.M. the Disciplinary Authority as per his letter Dt. 10.07.1997 (Ext. M.9). On the Show Cause Notice dt. 9.1.1998 (Ext. M.10) to the workman for the proposed punishment of dismissal for it the Disciplinary Authority, Accordingly the response of the workman dt. 27.01.1998 (attached with the Show Cause) under his own signature, he was dismissed without Notice in the terms of Para 521 (5)(a) of Shastry/Desai Award as per the order dt. 9.2.98 of the Disciplinary Authority (Ext. M.11). It is also contended on behalf of the OP/Management that the workman even in his appeal dt. 18.08.02 before the G.M. concerned (Ext. M.12) had voluntarily and uncoercively accepted his own guilt. Then at last the appeal of the workman was rejected by the Appellate Authority as per Memo No. 14.12.02 (Ext. M.13).

8. Further contention of the Ld. Counsel Shri S.N. Goswami for the OP/Management is that the acquittal of the workman by Criminal Court could not debar the employer/bank from exercising their jurisdiction in accordance with its rules and regulations in force, as the criminal and departmental proceedings as it is the settled law of the land, are different, so his acquittal in the criminal case for the aforesaid fraudulent acts of the same charge does not ipso facto absolve him from his liability under the Disciplinary Jurisdiction of the Bank. Mr. Goswami has emphatically argued, relying on the case of Avinash Sadhashiv Bhosle Vs. Union of India and other reported in

2012 FIR 564-(SC), that employers/staff/officers of the Bank are required to exercise higher degree of honesty and integrity. It deals with money of the depositors and customers and to take possible steps to protect the interest of the Bank and to discharge the duty with utmost integrity, honesty, devotion and diligence and not to do nothing which is unbecoming of a Bank. As such the punishment of acquittal Awarded to the workman by the Disciplinary Authority for his aforesaid gross misconduct was legal and justified.

In view of the aforesaid arguments, have perused the materials available on the case record and found that argument of Mr. S.N. Goswami outweighs that of the workman whose case has not at all any merits worth considering.

9. In result, it is, in the terms of the Reference, hereby responded and accordingly awarded that the action of the management of State Bank of India in dismissal of the workman Shri Mithai Lal Verma from his service is quite legal and justified in view of the nature of his gross misconduct under charge I of fraudulently obtaining the payment by cancelling Mango Branch Draft dt. 13.11.1992 for Rs. 2000/- concerning Shri Sambhu Prasad drawn on Chiriya Branch at the relevant time. Hence the concerned applicant is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1799.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देवास शाहजहापुर क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 124/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/09/2015 प्राप्त हुआ था।

[सं० एल-12012/104/98 - आईआर (बी-1)]  
सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1799.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 124/99) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Dewas Shajapur Kshetriya Gramin Bank and their workmen, received by the Central Government on 04/09/2015.

[No. L-12012/104/98-IR (B-I)]  
SUMATI SAKLANI, Section Officer.

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**  
**JABALPUR**

**NO. CGIT/LC/R/124/99**

General Secretary,  
 Dewas Shajapur Kshetriya Gramin Bank,  
 Karmik Association,  
 11-A, Amarkuti, Station Road,  
 Dewas (MP)

....Workman/Union

*Versus*

The Chairman,  
 Dewas Shajapur, Kshetriya Gramin Bank  
 DSKG Head Office,  
 Madan Mansion, Station Road,  
 Dewas (MP)

....Management

**AWARD**

Passed on this 16th day of July, 2015

1. As per letter dated 12.3.99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-12012/104/98-IR(B-I). The dispute under reference relates to:—

"Whether the action of the management of Chairman, Dewas Shajapur Kshetriya Gramin Bank in reducing the basic pay of Shri Shobaram S/o Durgprasad Goel from Rs. 1600 to Rs. 950 *w.e.f.* 8.2.96 and also not paid the arrears of suspension period from 20.12.93 to 8.2.96 is justified? If not, to what relief the workman is entitled for?"

2. After receiving reference, notices were issued to the parties. Ist party workman failed to submit statement of claim. Workman is proceeded *ex parte* on 4.4.2011.

3. Management of 2nd party filed Written Statement. Case of 2nd party is that despite of directions of the Tribunal. Workman has failed to submit statement of claim. Workman was appointed as clerk cum cashier in Bank. He was working at Agar Malwa branch of the Bank. Chargesheet was issued to workman on 2.5.94. The charges relating to amount deposited by Account Holder Shri Shivram Rs. 2150/- was not recorded in pass book and ledger. The amount was deposited in Bank on 8.12.93. Unauthorized absence of workman from 6.12.93 to 7.12.93-misbehaviour with the account holders, staff and public, misappropriation of Rs. 15/- from Saving Account No. 1218 of Kayumiyam. At

the time of inspection by General Manager on 20.12.93 during cash verification found less amount of Rs. 40292/-. Chargesheet was issued to workman. Enquiry Officer Sandeep Bhatnagar was appointed as Enquiry Officer and Shri N.A. Keveshi as Management's Representative. Shri B.D. Tiwari was defence Assistant. The punishment were imposed after recording evidence and findings submitted by Enquiry Officer. Pay of workman was reduced from Rs. 1600 to 950. The punishment is legal. Workman not participated in the reference.

4. Management's witness Shri Radhakrishna Gupta filed affidavit of evidence. The witness of management was not cross-examined. Copies of Enquiry Proceedings are produced. As workman failed to participate in reference proceeding, I record my finding in Point No. 1 in Affirmative.

5. In the result, award is passed as under:—

(1) The action of the management of Chairman, Dewas Shajapur Kshetriya Gramin Bank in reducing the basic pay of Shri Shobaram S/o Durgprasad Goel from Rs. 1600 to Rs. 950 *w.e.f.* 8-2-96 and also not paid the arrears of suspension period from 20.12.93 to 8.2.96 is not proper and legal.

(2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1800.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 197/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.09.2015 प्राप्त हुआ था।

[सं एल-12012/179/90-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1800.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 197/1990) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.09.2015.

[No. L-12012/179/90-IR (B-1)]

SUMATI SAKLANI, Section Officer



**ANNUXRE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT-I, CHANDIGARH**

**Case No. ID 197/1990**

Reference No. L-12012/179/90-IR(B-3) dated 04.12.1990

Shri Sanjeev Aggarwal  
C/o General Secretary,  
S.B.I. Staff Congress,  
3135, Sector 22-D,  
Chandigarh.

.... Workman

**Versus**

The Regional Manager,  
State Bank of India, Region-II,  
Regional Office, Post Box No. 13,  
Court Road, Lower Lakkar Bazar,  
Shimla-171002.

.... Respondent

**APPEARANCE**

For the workman : Shri R.P. Rana, Advocate  
For the management : Shri S.K. Gupta, Advocate.

**AWARD**

Passed on 28.08.2015

Government of India Ministry of Labour *vide* notification L-12012/179/90-IR(B-3) dated 04.12.1990 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of State Bank of India in treating the workman Shri Sanjeev Aggarwal, cashier at Taruwal Branch, H.P., as having voluntarily retired from the service of the Bank *w.e.f* 7.8.1988 is justified? If not, to what relief the workman is entitled to?"

2. On receipt of the reference, notices were issued to the parties. Parties appeared, the workman filed claim statement asserting therein that he was appointed clerk-cum-cashier at Taruwal Branch after having passed the recruitment test at Shimla. Workman fell sick in the month of August, 1988 and he had to go on leave from that date. He submitted leave application and also the medical certificate from Phil-delphi hospital Ambala Cantt. where he was treated for back-ache problem. Leave applications along with medical certificate were submitted to the bank. Workman after being fit went to Taruwal branch for joining duties on 25.3.1989 along with the medical certificate issued by the Phil-delphi Hospital Ambala Cantt. In the way the workman met with an accident and informed the branch

management who reached the clinic of Dr. Jagjit Singh at Ponta. Workman took first aid and accordingly the application for further leave was submitted by the workman for whole of the period from 24.3.1989 to 4th of June, 1989 the workman was advised rest by the doctors. The necessary medical certificate along with leave applications were submitted by the workman to the management bank. On 5.6.1989 workman reported for duty at Taruwal branch but he was not allowed and advised that he has been treated as having voluntarily retired from service. Workman also submitted in his claim statement that during the period he has met with the accident received a letter dated 22.4.1989 from the Regional Manager. Workman replied that letter. The Regional Manager did not consider the reply of the workman that when he went to join the duties he was not allowed to join duties. Workman also stated in his claim statement that there can not be any voluntary retirement unless opted for by the workman. The intention of the workman to serve with the bank is clear from the facts that he submitted the leave applications along with medical certificates from time to time and there was no reason for treating him as voluntarily retired. The workman can not said to be unauthorisedly absent because he submitted the leave application along with medical certificates from 8.8.1988 to 4th of June, 1989 and there cannot be any voluntary retirement without the request of the employee and cannot be voluntary abandonment unless there is unauthorized absence. The management bank at no time question the validity of the medical certificates. The workman regularly submitted that the workman went to join duties on 25.3.1989 and had to remain on leave due to accident. The management's action is illegal and unjustified. The workman prayed that the action of the management in treating the workman as having voluntarily retired be declared illegal, unjustified and act of unfair labour practice and workman may be declared to be continuing in service and be reinstated with retrospective effect with full back wages, seniority and all other consequential benefits.

3. The management opposed the claim statement and filed written statement. In written reply the management submitted that workman remained absent from service *w.e.f* 8.8.1988 to 25.3.1989 unauthorisedly without sanction of any leave. The workman however sent medical certificate along with leave application by ordinary post which was received at the branch on 5th of May 1989 after his name had been struck off from the pay roll of the bank for voluntarily abandoned the service of the bank. For the intervening period from 8.8.1988 to 25.3.1989 the management bank sent letter dated 26.10.1988 by registered post advising him to join his duty within three days and explain the reasons for his absence from duty. Workman was further advised to produce a certificate from Chief Medical Officer about his illness and also fitness certificate before joining his duty. Workman failed to join duty within stipulated period and failed to submit medical certificate

from Chief Medical Officer. Thereafter, the workman sent another registered notice dated 23.1.1989 calling upon the workman to report for duty. He was further advised *vide* this letter that if the workman failed to reports for duty within 30 days from the date of notice, it shall be presumed that he has voluntarily retired from service on the expiry of the notice. Workman again failed to report for duty within the notice period. Another branch letter dated 22.4.1989 was sent to the workman by ordinary post by UPC and registered AD in which he was advised that he has been deemed to have voluntarily retired from service 8.8.1988. It was further advised to pay one month's pay and allowance in lieu of notice, which he failed to give before voluntarily retiring from the service of the bank. The workman failed to pay wages in lieu of notice till date and he is liable to pay the same to the bank. The plea of the workman that he could not join duty because of illness and in support thereof he submitted leave application dated 11.4.1989, 25.3.1989 and 10.4.1989. The application for grant of leave on medical ground is dated 11.4.1989 which is sent after his name has been struck off from the roll of the bank for having voluntarily abandoned the service of the bank despite letters, reminders and notices sent to him during the period of his absence from time to time. After his application dated 11.4.1989, there was no communication from the workman till 9.6.1989, thus workman remained absent from duty for more than 90 days unauthorisedly and as per the agreement, the respondent bank has rightly treated him as voluntarily having vacated the job. With these averments management requested for dismissal of the claim petition of the workman.

4. In evidence, workman filed his own affidavit as Ex. W1. He also relied on documents Ex. W2 to W 10. The workman also produce affidavit of Dr. K.G. Gupta who filed his affidavit Ex. W11. In rebuttal the management filed affidavit of Shri S.P. Sood Dy. Manager SBI Region-II, Zonal Office Shimla as Ex. M 1 who also relied on documents Ex. M 2 and M 3. The management produced another witness Shri P.K. Sandliya Branch Manager SBI Taruwal Branch who filed his affidavit Ex. M 3 and relied on extract of Bipartite settlement Clause XVI as Ex. M 5.

5. After hearing the parties, this Tribunal *vide* its award dated 16.7.2002 rejected the claim of workman holding that action of the management in voluntarily retiring the workman from the service of the bank *w.e.f.* 8.8.1988 is justified and the workman is not entitled to any relief. The workman against this award dated 16.7.2002 moved CWP No. 1775 of 2002 in Hon'ble High Courts of Himachal Pradesh. The Hon'ble High Court of Himachal Pradesh *vide* its judgment dated 28.5.2007 rejected the Civil Writ petition. Workman moved before the Division Bench of the Hon'ble Himachal High Court in LPA No. 126 of 2007. The Hon'ble Division Bench *vide* judgment dated 30.7.2015 allowed the letter Patent Appeal of the workman and set aside the impugned judgment and the award dated 16.7.2002 of this

Tribunal and directed this Tribunal to decide the matter afresh within two months from 1.8.2015. In compliance of the order dated 30.7.2015 passed in LPA No. 126 of 2007, the reference was registered on its original number. Parties appeared and during the hearing stated that they do not want to lead evidence in addition to evidence already on record.

6. In view of the above, I have heard arguments of the parties, gone through the evidence and record.

7. MWI S.P. Sood, Deputy Manager State Bank of India, Zonal Office, Shimla stated in his cross-examination that "I am dealing with this case from the date of my joining *i.e.* 15.5.1993. Unauthorized absence is not a misconduct. I can not say whether all the leave applications sent by the workman were submitted to the Zonal Office by the Branch Manager. No order of termination was passed."

8. The extract of Bipartite Settlement Clause XVI has been produced by the management on record (Ex. M 5) which reads as under:

**"XVI VOLUNTARY CESSATION OF EMPLOYMENT BY THE EMPLOYEES:**

In supersession of clause 2 of the Settlement dated 8th September, 1983 the following shall apply:—

Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more consecutive days without or beyond any leave to his credit or absent himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the management is satisfied that he has not present intention of joining duties, the management may at any time, thereafter give a notice to the employee's last known address calling upon the employee to report for duty within 30 days of the notice, stating, *inter alia*, the ground for the management coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service....."

9. The management sent notice dated 26.10.1988 (Ex. W3) calling upon the workman to join within three days and notice dated 23.1.1989 (Ex. W4) again calling the workman to report for duty within 30 days. Thereafter notice dated 22.4.1989 (Ex. W6) was sent wherein it was nowhere mentioned that the workman is not interested to join duty. Hon'ble High Court in the judgment dated 30.7.2015 passed in LPA No. 126 of 2007 at page 11 has clearly recorded the findings that in the notices, it is nowhere recorded that bank authorities have recorded its satisfaction. Thus, the compliance of Clause XVI of Bipartite Settlement (Ex. M5) referred above has not been complied with by the bank management. Particularly in the present case when the workman explained that he was ill and getting treatment from Dr. K.G. Gupta Mission Hospital Ambala cantt. Dr. K.G. Gupta submitted his affidavit wherein he has mentioned that Shri Sanjeev Aggarwal developed pain in the backbone and lumber region while he was working at Taruwal Branch of SBI and he remained under his treatment from 8.8.1988 continuously and before that intermittently he was advised complete bed rest. He further stated in his affidavit that in the year 1989 he was found fit to resume duty. *w.e.f.* 25.3.1989. On 26.3.1989 Shri Sanjeev Aggarwal reported in the Hospital having multiple injuries on his body. He told that while on the way to Taruwal he met with an accident and got first-aid treatment from Dr. J.S. Jagga. Dr. Gupta in his affidavit also mentioned that he took the workman under his treatment and issued further certificate for sanctioning of medical leaves. Workman Sanjeev Aggarwal in his affidavit mentioned that he went to Taruwal to join duty on 25.3.1989 but he met with an accident while on the way and got himself medically treated by Dr. Jagjit Singh who gave him first aid required. Workman also mentioned in his affidavit that he again submitted the leave application accompanied by the medical certificate issued by the Philodelphia Hospital where he was treated for the injuries caused due to accident. From the above it has nowhere shown that workman expressed his intention to quit the job or to seek voluntary retirement. In these circumstances, the management was required to comply with the Clause XVI of the Bipartite settlement reproduced above which the management failed to comply with.

10. The management cited 2009 (4) RSJ page 652 Regional Manager, Bank of Baroda *Vs.* Anita Nandrajog. The facts and circumstances of the case law cited are quite different from the facts and circumstances of the case in hand, therefore, not applicable.

11. The management cited 2005(3) RSJ page 136 Viveka Nand Sethi *Vs.* Chairman J&K Bank Ltd. and others and 2000(5) SCC Syndicate Bank *Vs.* General Secretary, Syndicate Bank Staff Association and another. The above case laws have already been considered by the division

Bench of the Hon'ble Himachal Pradesh High Court in LPA No. 126 of 2007 decided on 30.7.2015.

12. The management cited another case law reported in (2001) ISCC page 214 Punjab & Sind Bank and others *Vs.* Sakattar Singh. The facts and circumstances of the above case law are quite different from the facts of the case in hand, hence the principle laid down is also not applicable to the facts and circumstances of the case in hand.

13. Considering the entire facts and circumstances of the case, it is held that the management failed to comply with the clause XVI of the Bipartite Settlement while passing the order of voluntary Cessation of employment of the workman Sanjeev Aggarwal *w.e.f.* 7.8.1988. It is also admitted case of the parties that no enquiry was conducted against the workman for his absence. In view of the above the workman is entitled for reinstatement in service without back wages. Consequently, the management is directed to reinstate the workman within one month from the date of publication of the award.

14. The reference is answered accordingly. Central Govt. be informed. Soft as well hard copy be sent to the Central Govt. for publication.

Chandigarh.  
28.08.2015

S.P. SINGH, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1801.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, दिल्ली नगर निगम, (दक्षिण) नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 1, दिल्ली के पंचाट (संदर्भ सं० 111/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं० एल-42011/74/2013-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1801.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 111/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Commissioner, MCD (South), New Delhi and their workmen, which was received by the Central Government on 03/09/2015.

[No. L-42011/74/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer



## ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL-CUM-LABOUR COURT, NO. 1,  
KARKARDOOMA COURT COMPLEX, DELHI**

**ID NO. 111/2013**

Shri Ramesh Chand,  
S/o late Shri Shrichand,  
Through MCD General Mazdoor Union,  
Room No. 95, Barrack No. 1/10,  
Jam Nagar House,  
New Delhi

.... Workman

*Versus*

The Commissioner,  
Municipal Corporation of Delhi (South),  
9th Floor, Civic Centre, Minto Road,  
New Delhi-110002

.... Management

Reference under Section 10 sub-section (2A) of the Industrial Disputes Act, 1947 (in short the Act) was received from the Central Government, Ministry of Labour and Employment *vide* its orders No. L-42011/74/2013-IR(DU) dated 22.07.2013 for adjudication of the industrial dispute with the following terms:—

"Whether the action of the management of MCD in not granting pay scale of Rs. 3050-4590 with effect from 01.01.1997 and revised from time to time along with all consequential benefits to workman Shri Ramesh, S/o late Shri Shrichand, officiating Chaudhary is fair and justified? To what relief the workman concerned is entitled to?"

2. Both the parties were put to notice and the workman Shri Ramesh Chand filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 01.01.1997 by the competent officers of Horticulture Department. He was posted in Green Park under South Zone to work under Director of Horticulture. However, he has been denied pay scale of Chaudhary, revised from time to time. His qualification is 10th pass (Agriculture) through no such qualification is prescribed for promotion to the post of Garden Chaudhary. The workman has got payment of salary in the lower pay scale of mali, *i.e.* Rs. 2550-3200 revised from time to time and has been denied the scale of Chaudhary, *i.e.* Rs. 3050-4590 for his performing the duty of Chaudhary with effect from 02.01.1998. Action of the management is alleged to be illegal & unjustified and amounts to unfair labour practice.

3. It is also averred in para 6 of the statement of claim that Hon'ble High Court, Delhi, in the matter of Jai Chand *vs.* Municipal Corporation of Delhi (CW 6514/2001) has

disapproved the non-payment of wages for those malis who are working on the post of Chaudhary *vide* its judgement dated 02.05.2003. After the above judgement of the Hon'ble Court. Municipal Corporation of Delhi (Horticulture Department) has also issued order No. ADC(Hor.)/AO(Hort.)/DA-VII/05/457 dated 04.03.2005 (Annexure B). There is also reference to the judgement of Division Bench of High Court of Delhi in the matter of Municipal Corporation of Delhi *vs.* Sultan Singh wherein also plea of the MCD regarding non-payment of wages of Chaudhary to malis who are doing working of Chaudhary, was turned down by the Hon'ble High Court in judgement dated 27.07.2011.

4. It is also averred that similar situated workmen (Mali and Chowkidar) who were performing duty of Chaudhary were granted pay scale of Chaudhary from the date when they were asked to perform duty on the higher post and management has challenged the order dated 27.07.2011 of the Labour Court in the matter of MCD *vs.* Sultan Singh as well as before the Hon'ble Supreme Court of India by Special Leave to Appeal No. S20069/2011 and the plea by MCD all the time has been dismissed by both, before the High Court as well as the Hon'ble Supreme Court. Workman herein is also similarly situated and doing work of Chaudhary and as such entitled to same benefits.

5. Management has demurred claim of the workman by taking preliminary objections, *inter alia*, present dispute is not an industrial dispute and no demand notice has been served upon the management, MCD General Mazdoor Sangh has not locus standi to raise the present dispute as the said union is not a recognized of the management. In para 5 of the preliminary objection, it is admitted that the workman herein was engaged on the post of mali on daily wage basis and was later on regularized on the same post of mali in the pay scale Rs. 750-940 (pre-revised) + usual allowances. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority. It is further alleged that the workman herein is not entitled for any relief on account of delay and laches and reliance is also put on judgements of the Apex Court in the case of 'Nedungadi Bank Limited *Vs.* K.P. Madhavankutty & ors' [2002 (2) SC 4] and State Co-op Land Development Bank *Vs.* Neelam [(2005) 5 SC 91]. Management, or merits, have denied material averments and reiterated that the workman herein appeared in the trade test conducted by Education Consultant India Limited on behalf of the management, in which the workman had secured 140th rank. It is, further submitted that only 50 employees were promoted to the post of Chaudhary, who were having requisite qualification as well as secured



rank upto 50. It is also denied that the workman herein was performing duties of Chaudhary with effect from 01.01.1997. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

6. Against this factual background, the Tribunal, on the basis of pleading of the parties, framed the following issues:—

- (i) Whether a stale claim has been referred the adjudication? If yes, its effects.
- (ii) Whether dispute has not acquired status of an industrial disputes for want of service of demand notice on the management?
- (iii) Whether dispute has not acquired status of an industrial dispute for want of espousal?
- (iv) As in terms of reference.

#### **Findings on Issue No. (i)**

7. Admittedly, in the present case, reference has been made under Section 10 sub-section (2A) of the Act for adjudication. It is now well settled position in law that when a reference has been made for adjudication to the Tribunal or Labour Court, as the case may be, it is paramount duty of the court to decide the same on merits, irrespective of the pleas taken by the management. The dispute in the case in hand cannot be said to be stale for the simple reason that there is no previous adjudication of the matter between the parties from a competent court nor that there is inordinate delay in approaching this Tribunal by the workman.

8. It has been held by the Hon'ble Apex Court in the case of *Raghubir Singh Vs. General Manager* (2014) Lab. I.C. 4266 = (2014) 10 SCC 301 that a reference for adjudication to the Industrial Tribunal can be made by the appropriate Government at any time and provisions of Limitation Act does not apply. There are clear observations in the above judgement that industrial dispute is to be decided by the Tribunal or Labour Court on merits, irrespective of the pleadings on limits. Therefore, ratio of law in the case of *'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors'* (supra) and *State Co-op Land Development Bank Vs. Neelam* (supra) is not applicable to the case in hand as there is no inordinate delay nor workman is guilty of delay and laches in approaching the court. Accordingly, this issue is decided in favour of the workman and against the management.

#### **Findings on Issue No. (ii) and (iii)**

9. Both these issues are being taken up together for the purpose of discussion as well as disposal as they are inter-related. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD

General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of *State of Bihar Vs. Kripa Shankar Jaiswal* AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:—

“Held, that for a dispute to constitute an industrial dispute it is not a require condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within Section 18(3)(a) and (d) of the Industrial Disputes Act and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under Section 11(2) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of section 12(6) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer; it does not affect the legality of the proceedings which terminated as provided in section 20(2) of the Act.”

10. Equally merit-less is the plea taken by the management that the present dispute is no sponsored or espoused by substantial number of workmen. It is fairly settled position in law that even non-espousal of a case by the union would not deprive the workman of the relief to which the workman is otherwise entitled under the law. Such view appears to have been taken in the case of *Nazrul Hassan Siddiqui vs. Presiding Officer, Industrial-cum-Labour Court Bombay* (1197) Lab.I.C. 1807. In the above cited case also contention was raised by the management that the dispute does not fall within the definition of 'industrial dispute' and the same has not been referred or supported by substantial section of workmen. High Court rejected the plea of the management by placing reliance upon the decision of the Hon'ble Supreme Court in the case of *Associated Cement Companies Ltd.* (AIR 1960 SC 777), which it was observed as under:—

“We have already noticed that an industrial dispute can be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned; in other words, the majority rule on which the appellant's construction of Section 19(6) is based is inapplicable in the matter of the reference under Section 10 of the Act. Even a

minority group of workmen can make a demand and thereby raise an industrial dispute which in a proper case would be referred or adjudication under Section 20.”

11. In view of the ratio of the judgement discussed above, it is clear that espousal of a dispute by the union is not *sine qua non* for adjudication of such dispute in terms of Section 10 of the Act. Consequently, both these issues are decided in favour of the workman and against the management.

#### **Finding on Issue No.4**

12. Now, the main issue which requires determination in the case in hand is whether the workman herein is entitled for grant of pay scale of Rs. 3050-4590 as revised from time to time along with consequential benefits. It is clear from pleadings of the parties that initially the workman herein was appointed as mali on daily wage basis and later on he was regularized on the same post of mali in the pay scale of Rs. 750-940 (pre-revised) along with usual allowances. This fact has been admitted even by the management in para 5 of the preliminary objections.

13. There is also ample evidence on record that the workman herein was performing duty as officiating Chaudhary. It is clear from perusal of document dated 12.08.2004 (List of Chaudharys working in Udhyah Vibhag) Ex. WW1/1 that name of the workman, Shri Ramesh Chand finds mention at serial No. 31 and working as Chaudhary since January, 1997. Workman, in order to prove his case, has tendered in evidence his affidavit Ex. WW1/A, wherein material averments contained in statement of claim has been reiterated. It is specifically alleged in the affidavit that he was doing work of acting Chaudhary with effect from 01.01.1997. There are also averments in his affidavit that one Shri Jai Chand has also been granted pay-scale of Chaudhary by the management of MCD and Sultan Singh and others Vs. MCD, who were doing work of acting Chaudhary, *vide* Judgement of the Hon'ble High Court, i.e. in the case of MCD Vs. Sultan Singh & Others and necessary orders for implementation of the said Judgement were issued by MCD *vide* order dated 04.06.2013. There is no cross examination of the workman/deponent that he has appeared as WW1 and has tendered in evidence a copy of his identity card, which is Ex. WW1/4. It is evident from perusal of the Identity Card that against the column 'Designation', there is mention of workmen Chaudhary, Horticulture. The workman has also tendered in evidence extracts of attendance registers Ex. WW1/9 for August, 2013, Ex. WW1/10 for September, 2013 and ex. WW1/11 for October, 2013, which shows that the workman Shri Ramesh Chand was performing duties of Chaudhary. Workman has also tendered in evidence extract of attendance Ex. WW1/5, Ex. WW1/6, Ex. WW1/7, and Ex. WW1/8, which shows that he was performing functions of Chaudhary.

14. There is no merit in the stand taken by the management in its reply, that the workman here is not entitled

for promotion to the post of Chaudhary inasmuch as he has not qualified the requisite test for the same and in the test conducted by the department, his name figures at serial No.140. The said test is alleged to be conducted by Education Consultant India Ltd. on behalf on the management. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay-scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of MCD Vs. Sultan Singh as well as MCD Vs. Mahipal (WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (*supra*) of the Hon'ble Division Bench is as under:—

"28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on *ad-hoc* basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances, therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost."

15. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court *vide* IA No.2 WP for special leave S20069/2011 MCD Vs. Sultan Singh and other which was also dismissed as withdrawn *vide* order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, as such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except

the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

16. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similar situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon'ble High Court has decided an abstract proposition of law, *i.e.* a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on *ad-hoc* or temporary basis, even such workman is entitled to salary/wages of higher post, unless rules or regulations specifically provides otherwise. I find support to this view from Secretary Vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon'ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of Uttar Pradesh Vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under.

"The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgement of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgements, cited both by the appellants as well as the respondents, can be summed up as under:—

- (1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

- (2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgement rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

- (3) However, this exception may not apply in those cases where the judgement pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (*see* K.C. Sharma & Ors. Vs. Union of India (*supra*)). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence."

17. In view of the discussions made herein above, it is held that the workman is entitled to the pay scale of Garden Chaudhary with effect from January, 1997 and as a corollary, management is liable pay the difference of wages of mali *vis-a-vis* Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary till 03.03.2014, the date he was promoted as Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated : September 1, 2015



नई दिल्ली, 4 सितम्बर, 2015

**का.आ. 1802.**—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, दिल्ली नगर निगम (दक्षिण), नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं० 1, दिल्ली के पंचाट (संदर्भ संख्या 109/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/09/2015 को प्राप्त हुआ था।

[सं एल-42011/73/2013-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 4th September, 2015

**S.O. 1802.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 109/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Commissioner, MCD (South), New Delhi and their workman, which was received by the Central Government on 03/09/2015.

[No. L-42011/73/2013 - IR (DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT NO. 1, KARKARDOOMA COURT  
COMPLEX, DELHI  
ID NO. 109/2013**

Shri Suresh,  
S/o late Shri Hari Ram,  
Through MCD General Mazdoor Union,  
Room No. 95, Barrack No. 1/10,  
Jam Nagar House,  
New Delhi

.... Workman

#### Versus

The Commissioner,  
Municipal Corporation of Delhi (South),  
9th Floor, Civic Centre, Minto Road,  
New Delhi 110 002

.... Management

Reference under Section 10 sub-section (2A) of the Industrial Disputes Act, 1947 (in short the Act) was received from the Central Government, Ministry of Labour and

Employment vide its orders No. L-42011/73/2013-IR(DU) dated 22.07.2013 for adjudication of the industrial dispute with the following terms:—

“Whether the action of the management of MCD in not granting pay scale of Rs. 3050-4590 with effect from 01.01.1997 and revised from time to time alongwith all consequential benefits to workman Shri Suresh, S/o late Shri Hari Ram, officiating Chaudhary is fair and justified? To what relief the workman concerned is entitled to?”

2. Both the parties were put to notice and the workman Shri Suresh filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 02.01.1998 by the competent officers of Horticulture Department. He was posted in Green Park under South Zone to work under Director of Horticulture. However, he has been denied pay scale of Chaudhary, revised from time to time. His qualification is 10th pass (Agriculture) though no such qualification is prescribed for promotion to the post of Garden Chaudhary. The workman has got payment of salary in the lower pay scale of mali, i.e. Rs. 2550-3200 revised from time to time and has been denied the scale of Chaudhary, i.e. Rs. 3050-4590 for his performing the duty of Chaudhary with effect from 02.01.1998. Action of the management is alleged to be illegal and unjustified and amounts to unfair labour practice.

3. It is also averred in para 6 of the statement of claim that Hon'ble High Court, Delhi, in the matter of Jai Chand Vs. Municipal Corporation of Delhi (CW 6514/2001) has disapproved the non-payment of wages for those malis who are working on the post of Chaudhary, vide its judgement dated 02.05.2003. After the above judgement of the Hon'ble Court, Municipal Corporation of Delhi (Horticulture Department) has also issued order No. ADC(Hor.)/AO(Hort)/DA-VII/05/457 dated 04.03.2005 (Annexure B). There is also reference to the judgment of Division Bench of High Court of Delhi in the matter of Municipal Corporation of Delhi Vs. Sultan Singh wherein also plea of the MCD regarding non-payment of wages of Chaudhary to malis who are doing working of Chaudhary, was turned down by the Hon'ble High Court in judgement dated 27.07.2011.

4. It is also averred that similar situated workmen (Mali and Chowkidar) who were performing duty of Chaudhary were granted pay scale of Chaudhary from the date when they were asked to perform duty on the higher post and management has challenged the order dated 27.07.2011 of the Labour Court in the matter of MCD Vs. Sultan Singh as well as before the Hon'ble Supreme Court of India by Special Leave to Appeal No. S20069/2011 and the plea by MCD all the time has been dismissed by both, before the High Court as well as the Hon'ble Supreme Court. Workman herein is also similarly situated and doing work of Chaudhary and as such entitled to same benefits.



5. Management has demurred claim of the workman by taking preliminary objections, *inter-alia*, present dispute is not an industrial dispute and no demand notice has been served upon the management, MCD General Mazdoor Sangh has not locus standi to raise the present dispute as the said union is not a recognized of the management. In para 5 of the preliminary objection, it is admitted that the workman herein was engaged on the post of mali on daily wage basis and was later on regularized on the same post of mali in the pay scale Rs. 750-940 (pre-revised)+usual allowances. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority. It is further alleged that the workman herein is not entitled for any relief on account of delay and laches and reliance is also put on judgements of the Apex Court in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & Ors' [2002(2) SC 4] and State Co-op Land Development Bank Vs. Neelam [2005 (5) SC 91]. Management, on merits, have denied material averments and reiterated that the workman herein appeared in the trade test conducted by Education Consultant India Limited on behalf of the management, in which the workman had secured 99th rank. It is, further submitted that only 50 employees were promoted to the post of Chaudhary, who were having requisite qualification as well as secured rank upto 50. It is also denied that the workman herein was performing duties of Chaudhary with effect from 16.07.1997. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

6. Against this factual background, the Tribunal, on the basis of pleadings of the parties, framed the following issues:

- (i) Whether a stale claim has been referred for adjudication? If yes, its effects.
- (ii) Whether dispute has not acquired status of an industrial dispute for want of service of demand notice on the management?
- (iii) Whether dispute has not acquired status of an industrial dispute for want of espousal?
- (iv) As in terms of reference

#### Findings on Issue No. (i)

7. Admittedly, in the present case, reference has been made under Section 10 sub-section (2A) of the Act for adjudication. It is now well settled position in law that when a reference has been made for adjudication to the Tribunal or Labour Court, as the case may be, it is paramount duty of the court to decide the same on merits, irrespective of the plea taken by the management. The dispute in the

case in hand cannot be said to be stale for the simple reason that there is no previous adjudication of the matter between the parties from a Competent Court nor that there is inordinate delay in approaching this Tribunal by the workman.

8. It has been held by the Hon'ble Apex Court in the case of Raghbir Singh Vs. General Manager (2014) Lab.I.C. 4266=(2014) 10 SCC 301 that a reference for adjudication to the Industrial Tribunal can be made by the appropriate Government at any time and provisions of Limitation Act does not apply. There are clear observations in the above judgement that industrial dispute is to be decided by the Tribunal or Labour Court on merits, irrespective of the pleadings on limits. Therefore, ratio of law in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & Ors' (supra) and State Co-op Land Development Bank Vs. Neelam (supra) is not applicable to the case in hand as there is no inordinate delay nor workman is guilty of delay and laches in approaching the court. Accordingly, this issue is decided in favour of the workman and against the management.

#### Findings on Issues Nos. (ii) and (iii)

9. Both these issues are being taken up together for the purpose of discussion as well as disposal as they are inter-related. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal [(AIR 1961 (2) SC Report 1] wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:—

“Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within Section 18(3)(a) and (d) of the Industrial Disputes Act and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under Section 11(2) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of Section 12(6) in

not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer; it does not affect the legality of the proceedings which terminated as provided in Section 20(2) of the Act.”

10. Equally merit-less is the plea taken by the management that the present dispute is no sponsored or espoused by substantial number of workmen. It is fairly settled position in law that even non-espousal of a case by the union would not deprive the workman of the relief to which the workman is otherwise entitled under the law. Such view appears to have been taken in the case of Nazrul Hassan Siddiqui Vs. Presiding Officer, Industrial cum Labour Court Bombay (1997) Lab.I.C. 1807. In the above cited case also contention was raised by the management that the dispute does not fall within the definition of 'industrial dispute' and the same has not been referred or supported by substantial section of workmen. High Court rejected the plea of the management by placing reliance upon the decision of the Hon'ble Supreme Court in the case of Associated Cement Companies Ltd. (AIR 1960 SC 777), which it was observed as under:—

“We have already noticed that an industrial dispute can be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned; in other words, the majority rule on which the appellant's construction of Section 19(6) is based is inapplicable in the matter of the reference under Section 10 of the Act. Even a minority group of workmen can make a demand and thereby raise an industrial dispute which in a proper case would be referred or adjudication under Section 20.”

11. In view of the ratio of the judgement discussed above, it is clear that espousal of a dispute by the union is not sine qua non for adjudication of such dispute in terms of Section 10 of the Act. Consequently, both these issues are decided in favour of the workman and against the management.

#### Findings on Issue No.4

12. Now, the main issue which requires determination in the case in hand is whether the workman herein is entitled for grant of pay scale of Rs. 3050-4590 as revised from time to time along with consequential benefits. It is clear from pleadings of the parties that initially the workman herein was appointed as mali on daily wage basis and later on he was regularized on the same post of mali in the pay scale of Rs. 750-940 (pre-revised) alongwith usual allowances. This fact has been admitted even by the management in para 5 of the preliminary objections.

13. There is also ample evidence on record that the workman herein was performing duty as officiating Chaudhary. It is clear from perusal of document dated 12.08.2004 (List of Chaudharys working in Udhyah Vibhag)

Ex.WW1/6 that name of the workman, Shri Suresh Kumar, finds mention at serial No. 38 and working as Chaudhary since January 1998. Workman, in order to prove his case, has tendered in evidence his affidavit Ex.WW1/A, wherein material averments contained in statement of claim has been reiterated. It is specifically alleged in the affidavit that he was doing work of acting Chaudhary with effect from 02.01.1998. There are also averments in his affidavit that one Shri Jai Chand has also been granted pay scale of Chaudhary by the management of MCD and Sultan Singh and others Vs. MCD, who were doing work of acting Chaudhary, *vide* judgement of the Hon'ble High Court, *i.e.* in the case of MCD Vs. Sultan Singh & Others and necessary orders for implementation of the said judgement were issued by MCD *vide* order dated 04.06.2013. There is no cross examination of the workman/deponent that he has appeared as WW1 and has tendered in evidence a copy of his identity card, which is Ex.WW1/1. It is evident from perusal of the Identity Card that against the column 'Designation (Padh)', there is mention of Karyavahak Chaudhary, Udhyah Vibhag. The workman has also tendered in evidence extracts of attendance registers Rx.WW1/2 for November 2013, Ex.WW1/3 for September 13, which shows that the workman Suresh was performing duties of Karyavahak Chaudhary, *i.e.* officiating Chaudhary. Workman has also tendered in evidence extract of attendance Ex.WW1/5, which shows that he was performing functions of officiating Chaudhary.

14. There is no merit in the stand taken by the management in its reply, that the workman here is not entitled for promotion to the post of Chaudhary inasmuch as he has not qualified the requisite test for the same and in the test conducted by the department, his name figures at serial No. 99. The said test is alleged to be conducted by Education Consultant India Ltd. on behalf of the management. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, *i.e.* acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of MCD Vs. Sultan Singh as well as MCD Vs. Mahipal (WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (*supra*) of the Hon'ble Division Bench is as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden

Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on *ad-hoc* basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

15. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court *vide* IA No.2 WP for special leave S20069/2011 MCD Vs. Sultan Singh and Others which was also dismissed as withdrawn *Vide* order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

16. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon'ble High Court has decided an abstract proposition of law, *i.e.* a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on *adhoc* or temporary basis, even such workman is entitled to salary/wages of higher post, unless

rules or regulations specifically provides otherwise. I find support to this view from Secretary Vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon'ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of UP Vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under:—

The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgement of the Tribunal, which had attained finality as it was affirmed the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

- (1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.
- (2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgement rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.
- (3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not.

With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like [(see K.C. Sharma & Ors. Vs. Union of India (supra)]. On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.

17. In view of the discussions made herein above, it is held that the workman is entitled to the pay scale of Garden Chaudhary with effect from January 1998 and as a corollary, management is liable pay the difference of wages of mali *vis-a-vis* Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

नई दिल्ली, 7 सितम्बर, 2015

**का.आ. 1803.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 59/08) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2015 को प्राप्त हुआ था।

[सं एल-22015/6/2008-आईआर(सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th September, 2015

**S.O. 1803.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/08) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of Western Coalfields Limited, and their workmen, received by the Central Government on 07.09.2015.

[No. L-22015/6/2008-IR(C-II)]

RAJENDER SINGH, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/59/08

Shri S.S. Verma,  
General Secretary, Koyla Shramik Sabha (HMS),  
Regional Office, Ambada,  
PO Ambada,  
Distt. Chhindwara

.... Workman/Union

*Versus*

Chief General Manager,  
Kanhana Area of WCL,  
PO Dungaria,  
Distt. Chhindwara

.... Management

## AWARD

Passed on this 16th day of July, 2015

1. As per letter dated 16-4-2008 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section - 10 of I.D. Act, 1947 as per Notification No. L-22015/6/2008-IR (C-II). The dispute under reference relates to:

“Whether the action of the management of WCL in not promoting Shri Rikhab Chand Wohra in the post of Senior Clerk (Special Grade) retrospectively *w.e.f.* 1-4-1988 with consequential benefit is legal and justified? To what relief is the workman entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 1 to 7 through General Secretary, Koyla Shramik Sabha (HMS). Case of Ist party workman is that he is member of HMS Union. Said Union is recognised. Workman was appointed on 1-4-70 as Clerk Grade II in clerical cadre erstwhile Newton Chickley Colliery. All the Private owned collieries were taken over by the Government of India in terms of Coal Mines Nationalisation Act 1973. New company namely Coal India Limited was formed. Thereby the workman become employee of WCL subsidiary of Coal India Ltd. He was working as Clerk Grade-II. He was promoted to Clerk Grade I on 27-3-84. General Manager, Kanhana Area of WCL circulated provisional seniority list of clerical Grade I on 12-1-96. Name of Ist party workman was appearing at Sl. No. 11 in said seniority list. His date of appointment, date of promotion to clerical Grade I is mentioned in said seniority list. Workman submits that he alongwith certain juniors were working on the post of Senior Clerk in Special Grade I were promoted to the post of Senior Clerk in Special Grade of Rs. 2061-118-3008-130-4048 under NCWA-V *vide* order dated 28-9-96. In seniority list name of Shri A.K.



Bannerjee is placed at Sl. No. 11 below the name of the applicant. Later on all promotes were given notional seniority in cadre of senior clerk special Grade *w.e.f.* 1-4-88 as per order 27-1-97, 31-3-98 & 6-10-2000.

3. Workman submits that as per seniority list, it is clear that Shri A.K. Bannerjee, U.C. Vishwakarma,

H.C. Yaduvanshi, Majhar Khan, K.K. Nair, Rajkumar Shrivastava, Parvez Pantheki and Vipin Verma were juniors to him in the cadre. They were allowed notional seniority from 1-4-88 as Senior Clerk special Grade. Workman was left out for unknown reasons. Workman has given details of the appointment and promotions of those employees. In para -7 the details of promotions are as under:—

Sl. No.	Name Shri	Date of appointment	Date of Clerk Grade II	Date of Clerk Grade I	Seniority Number
1.	A.K. Bannerjee	1-11-1973	3-3-1976	27-3-1984	11
2.	U.C. Vishwakarma	3-6-1975	3-6-1975	21-9-1984	16
3.	H.P. Yaduvanshi	24-7-1972	1-4-1976	1-12-1984	17
4.	Mazhar Khan	20-6-1975	1-3-1980	1-12-1984	18
5.	K.K. Nair	20-3-1974	1-12-1976	9-6-1984	NA
6.	Rajkumar Shrivastava	11-9-1975	1-10-1980	Through Form H	Through Form H
7.	Parvez Pantheki	1-1-1976	1-1-1977	-do-	-do-
8.	Vipin Verma	14-3-1979	—	13-10-1987	29

Workman further submits that he was repeatedly approaching management submitting representations. That no response was received to his representations from management. The dispute was raised before ALC, Chhindwara. After conciliation proceedings, they were proceeded ex parte, failure report was submitted and dispute has been referred. Workman submits that again he was superseded by Mr. Bannerjee, Ramkumar Shrivastava and Dhaniram when they were promoted as office superintendent (T&S) Grade I *vide* order dated 3-6-05. Workman submits his name was at Sl. No. 11 in the seniority list circulated on 12-1-96. Shri A.K. Bannerjee was placed below his name in the list of Sr. Grade Clerk Special Grade. That workman was entitled for promotion as Sr. Clerk but his juniors are considered. Workman claims seniority for post of Sr. Clerk Special Grade from 1-4-88 with consequential benefits.

4. 2nd party filed Written Statement at Page 7/1 to 7/3 opposing claim of the workman. 2nd party submits workman Shri R.C. Wohra is given promotion as per rules of the company. The dispute under reference pertains to applicant workman is entitled to promotion from Clerk Grade I to Sr. Clerk in Special Grade *w.e.f.* 1-4-88. 2nd party submits that promotion cannot be claimed as of right. Workman mentioned names of 8 employees namely Shri A.K. Bannerjee, U.C. Vishwakarma, H.C. Yaduvanshi, Majhar Khan, K.K. Nair, Rajkumar Shrivastava, Parvez Pantheki and Vipin Verma juniors are given notional seniority from 1-4-88. They are not impleaded as party to the dispute. Therefore the dispute cannot be upheld. That workman was member of Koyla Shramik Sabha (HMS) is not disputed.

He was promoted as clerk Grade I on 27-3-84 is also not disputed. 2nd party agrees that General Manager Kanhan Area circulated provisional seniority list of Clerk Grade I. Name of workman was above the name of Shri A.K. Bannerjee but it is clarified that Shri A.K. Bannerjee was also promoted to the post of Clerk Grade I on 27-3-84. He cannot be called junior to the workman. It is further contented that promotion of clerk Grade I are done at unit level. All names mentioned in provisional seniority list by 1st party workman of his statement of claim were not employees of same unit. Those employees were working in different units. The seniority cannot be determined just by names appearing below or above but has to be verified with the dated of promotions. That promotion from Clerk Grade I to Sr. Clerk Special Grade is done at Area level considering eligible candidates working in different areas. The claim of workman was considered along with other candidates. He was promoted *vide* order dated 28-9-96. 1st party workman has no dispute *w.r.t.* DPC, Workman feels aggrieved by the notional seniority given to the juniors *w.e.f.* 1-4-88 to Mr. A.K. Bannerjee and K.K. Nair. The notional seniority has no monetary implications as mentioned in order dated 6-10-00. The concerned employees are not entitled to monetary benefits arising out of notional seniority. The dispute is belatedly raised cannot be considered. Management never denied opportunity of promotion to the workman. He was considered for further promotions in the year 1005-06. That Shri R.C. Wohra has retired from service after attaining age of superannuation on 20-6-00. 2nd party submits that as dispute is belatedly raised, the workman is not entitled to any relief.

5. Workman submitted rejoinder at Page 8/1 to 8/9 reiterating his contentions in statement of claim. That junior employees are given notional Seniority from 1-4-88. Workman has retired from service if he is given promotional benefits or notional seniority from 1-4-88, no other employee would be affected. The act of management giving notional seniority to Shri A.K. Mukherjee and K.K. Nair from 1-4-88 is arbitrary. Those junior employees are given undue benefit to become senior to the working granting them monetary benefits from 1-1-97 as per office order dated 26-12-00. That his case was never considered for promotion in 2005-06 though he completed 8 year service giving increment under SLU is not covered as promotion.

6. Considering pleading on record, the point which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of WCL in not promoting Shri Rikhab Chand Wohra in the post of Senior Clerk (Special Grade) retrospectively <i>w.e.f.</i> 1-4-1988 with consequential benefit is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

### REASONS

7. The term of reference pertains to denial of retrospective promotion on the post of Sr. Clerk special Grade from 1-4-88. 2nd party management has raised objection that dispute is raised belatedly after long lapse of time is not tenable. As per order Exhibit M-1 dated 6-10-10, Shri K.K. Nair and Shri A.K. Banerjee promoted as Sr. Clerk Special Grade on 3-4-92, 28-9-96 were allowed notional seniority from 1-4-88. The workman was aggrieved by said notional seniority given to the workman as per order on 6-10-10. The dispute cannot be said highly belated. As per Exhibit M-2, workman has retired from service on 5-12-07. As per Exhibit M-3, order issued on 10-12-01 by General Manager Ajay Kumar, the promotion should be made effective from prospective date.

8. Workman filed affidavit of his evidence supporting his contentions in statement of claim that he was appointed on Clerk Grade II on 1-4-1970. After Nationalization of Coal Mines, he had become employee of WCL subsidiary of Coal India Ltd. on 27-3-87, he was posted as Clerk Grade I. Seniority List of Clerk Grade I was issued on 12-1-1996, his name was at Sl. No. 10, as per order dated 28-9-96, he was promoted to the post of Sr. Clerk Special Grade along with some juniors. In seniority list, Shri Bannerjee was placed at Sl. No. 11. He was granted notional seniority from 1-4-88. Workman was not considered. Workman was also not

considered for promotion to the post of Office superintendent (T&S) Grade I. He was superseded as per order dated 3-6-05. Juniors Mr. Bannerjee, Ram Kumar Shrivastava and Dhaniram were promoted in pay scale Rs. 4650-7802. In his cross-examination, workman says the promotion of post of clerk Grade I is made area wise and not unit wise. Clerk Special Grade and OS are promoted Area wise. In 1982, seniority list of clerk Grade II was not prepared area wise. The area wise list was prepared in 1990. On 12-1-96, seniority list of special grade was issued. As per seniority list of Clerk Grade I, he was promoted to the post of Sr. Clerk Special Grade. Seniority List was prepared in 2003, its copy is not produced on record. Workman claims ignorance what was the basis for promotion to the post of OS. He also claims ignorance of the cadre scheme. He denies that seniority list of Sr. Clerk Special Grade was never prepared. 1st party workman reaffirms that Shri A.K. Bannerjee, U.C. Vishwakarma, H.C. Yaduvanshi, Majhar Khan, K.K. Nair, Rajkumar Shrivastava, Parvez Pantheki and Vipin Verma were juniors to him and they were granted notional seniority from 1-4-88. Workman was member of HMS Union. Other employees were members of INTUC Union. In the matter of promotion INTUC Union had entered in settlement with management. His dispute about promotion was not raised by the Union. He has not produced copy of his representations dated 20-10-03, 11-11-03, 15-3-03. In Exhibit W-6, it is mentioned that his juniors were promoted.

9. Management witness Shri Santosh Kumar Dubey filed affidavit of his evidence. That workman was appointed on 1-3-1970. He was promoted to the post of Clerk Grade I on 27-3-84. Shri A.K. Bannerjee and others were promoted as Clerk Grade I, that promotion of clerk Grade I is done at unit level. All employee mentioned in provisional seniority list do not belong to same unit. Those employees were working in different units of the areas. Seniority cannot be determined by names appearing below or above. That seniority list is correctly treated as their provisional seniority list. The promotion of Clerk Grade I to Senior Clerk special Grade is done at Area level. Management's witness in his cross examination says that on 2-4-86, he was appointed at Pathakhara. In 1998, he was working at Kanhan Area. Presently he is working as Personal Manager, In his cross-examination, documents Exhibit W-1 to W-5 are admitted in evidence.

10. The evidence of management's witness does not show area wise seniority was considered by giving notional seniority to Shri A.K. Bannerjee and K.K. Nair. Rather documentary evidence shows notional seniority was given to those employees from 1-4-88 as per the settlement between management and INTUC for the post of Sr. Clerk Special Grade. The order is clear that those employees were promoted to the post of Sr. Clerk Special Grade. On 3-4-92, 28-9-96, workman was promoted to the post of Sr. Clerk Special Grade. When workman was promoted on same date

as Shri K.K. Nair was promoted, there is absolutely no logical basis for giving notional seniority to Shri K.K. Nair and A.K. Bannerjee. While management entered in settlement with INTUC Union for promotion of both the employees as per order dated 6-12-2010, the Ist party workman was discriminated. Management did not take into consideration seniority of Ist party workman while entering in settlement with INTUC. It is clear that while giving notional seniority to Shri Bannerjee and K.K. Nair, cadre scheme was not followed, DPC was not called. There was no recommendation by DPC for giving national seniority to Shri A.K. Bannerjee and Shri K.K. Nair therefore the action of the management not giving notional seniority to the workman is illegal.

11. 2nd party further contented that Shri A.K. Bannerjee and Shri K.K. Nair were not given monetary benefits while giving benefit of notional seniority is not correct. The order dated 27-1-97 issued by Area Personnel Manager shows that except fitment benefits, those employees would not be entitled to other monetary benefits. Thus fitment benefit is allowed to those employees while giving notional seniority for the post of Sr. Clerk Grade I. Those benefits were not extended to the workman. 2nd party has not produced seniority list of Sr. Clerk Special Grade. No evidence is adduced by management's witness whether the notional seniority list of clerk Grade I was accepted or it was cancelled. In absence of such evidence, Provisional seniority list needs to be accepted. For reasons discussed above, the denial of notional seniority to the workman from 1-4-88, workman is discriminated and his co-employees A.K. Bannerjee, K.K. Nair are shown favour. Therefore I record my finding in Point No. 1 in Negative.

12. In the result, award is passed as under:—

- (1) The action of the management of WCL in not promoting Shri Rikhab Chand Wohra in the post of Senior Clerk (Special Grade) retrospectively *w.e.f.* 1-4-1988 is not proper and legal.
- (2) 2nd party is directed to give deemed national seniority for the post of Sr. Clerk Special Grade to workman from 1-4-88 and consequential benefits may also be given to the workman.
- (3) Parties to bear their respective costs.

R.B. PATLE, Presiding Officer

नई दिल्ली, 7 सितम्बर, 2015

**का.आ. 1804.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीआईएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकत्ता के पंचाट (संदर्भ संख्या 21/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं. एल-22012/11/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 7th September, 2015

**S.O. 1804.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Coal India Limited, Coal India Limited Contractors Workers Union, and their workmen, received by the Central Government on 07/09/2015.

[No. L-22012/11/2013-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 21 of 2013

#### PARTIES

Employers in relation to the management of  
Coal India Limited

AND

Their workmen

#### PRESENT :

Justice Dipak Saha Ray, Presiding Officer

#### APPEARANCE

On behalf of the Management : Mr. N.K. Roy, Ld. Counsel for Coal India Ltd.

None for M/S Albartos Security Service.

On behalf of the Workman : Mr. S. Mukherjee, Ld. Counsel.

State : West Bengal.

Industry : Coal

Dated : 19th August, 2015

#### AWARD

By Order No. L-22012/11/2013-IR(CM-II) dated 03.04.2013 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of

the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

“Whether the demand of Coal India Limited Contractor Workres' Union for regularization of service of Sri Biswanath Das Roy and 31 others (Copy enclosed and marked as annexure-I) from the date of their joining by the management of M/s. Coal India Limited, Kolkata who are working as Security Personnel continuously under various contractors since long and now under M/s. Albartos Security Service, Contractor depriving them from their legitimate claims, is legal and or justified? If not, to what relief the concerned workmen are entitled?”

2. When the case is taken up today for hearing, Ld. Counsel for both the parties are present and the witness on behalf of the union is also present. The witness, Shri Rama Prasad Biswas during cross-examination has stated that he is the President of the sponsoring union and the union does not want to proceed with this case further.

3. Heard both the parties.

4. Considering the facts and circumstances of the case as well as the submission of the Ld. Counsel for the parties it appears that the union at whose instance the present reference has been initiated does not want to proceed with the case. In view of the above facts and circumstances, this Tribunal has neither any scope nor any reason to proceed with this reference further as no fruitful purpose will be served in keeping the matter pending.

5. In view of the above, present reference is disposed of by passing a "No Dispute Award".

Justice DIPAK SAHARAY, Presiding Officer

KOLKATA

Dated : The 19th August, 2015.

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1805.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं० 917/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल-40012/116/2003-आई आर (डी यू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th September, 2015

**S.O. 1805.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. Case No. 917/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Patiala and their workman, which was received by the Central Government on 07/09/2015.

[No. L-40012/116/2003-IR (DU)]

P.K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

#### PRESENT :

SRI KEWAL KRISHAN, Presiding Officer

**Case No. I.D. No. 917/2005**

Registered on 13.09.2005

Sh. Surinder Kumar,  
C/o Sh. M.R. Dhiman,  
H.E. 1232. Phase-1,  
Mohali, Distt. Ropar.

.... *Petitioner*

#### Versus

The District Manager,  
Telecom (Bharat Sanchar Nigam Limited)  
Patiala.

.... *Respondents*

#### APPEARANCES

For the workman : Sh. M.R. Dhiman, Adv.

For the Management : Sh. G.C. Babbar, Adv.

#### AWARD

**Passed on: 17.7.2015**

Central Government *vide* Notification No. L-40012/116/2003-IR(DU) Dated 19.04.2004, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of Dy. General Manager, Telecom, Patiala in terminating the services *w.e.f.* 20.09.2000 of Sh. Surinder Kumar S/o Rattan Chand, Ex-T.S. just and legal? If not to what relief the workman is entitled to and from which date?”



The workman submitted statement of claim to which written reply was filed by the management. The facts emerging are that the workman was casual labourer with the respondent management and was granted temporarily status in the year 1990. He served the respondent department from 01.09.1983 to 31.05.1990.

According to the workman he suffered Psychiatric problem in the year 1994 and when he recovered, he was directed to appear for medical-examination before Civil Surgeon, Patiala, who after his examination, found him fit for duty and sent a letter dated 30.05.1994 to the respondent management. It is further pleaded that workman again fell sick in the year 2000 twice and remain admitted in Indira Gandhi Medical College, Shimla, and Government Rajindra Hospital, Patiala.

After recovery from the sickness, he reported for duty on 20.09.2000, but was not allowed to resume the duty. He made written representations, but of no fact.

According to the respondent management the workman did not inform about his absence and his application for condonation of his absence for the period 26.12.1991 to 24.12.1994 was declined by the Competent Authority, *vide* letter dated 05.05.1995 (Annexure-A1). Workman himself was not able to perform the duty and remained absent from duty. His services were not terminated by the department. He raised the dispute after a lapse of long time and no relief can be granted to him on account of delay.

Parties were given opportunities to lead evidence.

Workman Surinder Kumar appeared in the witness-box and filed his affidavit reiterating his case as set out in the statement of claim.

He filed documents Annexures P1 to P6.

On the other hand, department has examined Sh. Sukhwant Singh, who filed his affidavit supporting the case of the respondent.

I have heard Sh. M.R. Dhiman, AR for the workman and Sh. G.C. Babbar, counsel for the management.

It was argued by the authorized representative of the workman that as per the admission of the management, the workman continuously worked with the department from 01.09.1983 to 31.05.1990, and his services were terminated without conducting any inquiry and therefore, the same is bad in law and he be reinstated in service with back wages. I have considered the contention.

There is not denial of fact that workman worked with the department from 01.09.1983 to 31.05.1990 and was granted temporary status in 1990. It is the case of the respondent management itself that workman was neither retrenched nor his services were terminated.

Workman has pleaded that since the management did not allow him to join the duty, the same tantamount to retrenchment which is illegal.

A scheme called "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications 1989" was issued by the department granting temporary status to casual labourers with certain benefits to the labourers and making provision for retrenchment/termination of services of such labourers. Clause 8 and 9 of the Scheme which deals with retrenchment/termination read as follow:—

**Clause 8:** "Despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947 on the ground of non-availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

**Clause 9:** If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefit of encashment of leave on termination of services."

Thus the services of casual worker on whom temporary status has been conferred can be dispensed with as per provision of Industrial Disputes Act on the ground of non-availability of the work and if guilty of misconduct, after conducting a inquiry and giving him reasonable opportunity.

In the present case the workman remained absent from 1990 to 1994 and again thereafter, though he pleaded that he remained sick as stated above. The respondent management has pleaded that the services of the workman were neither retrenched nor his services were terminated. Thus the competent authority did not pass any order as envisaged under Clause 8 and 9 of the scheme stated above. In the circumstances, it cannot be said that the services of the workman were terminated. It was simply pleaded that since he was not allowed to join the duty, his services be deemed to be retrenched, but since the authorities did not pass any order as per Clause 8 and 9 of the scheme, it cannot be said that his services were terminated at any point of time.

Being so the reference is answered directing the management to pass appropriate orders for retaining or terminating services of the workman as envisaged under Clause 8/9 of the above said scheme. The management shall pass the order within four months of the publication of the award, failing which the management shall be liable to pay wages to the workman from the date of award subject to his entitlement on account of age etc.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2015

**AWARD**

Passed on 28.7.2015

**का.आ. 1806.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं० 94/2014) प्रकाशित करती है जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल-40012/81/2014-आईआर (डी यू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th September, 2015

**S.O. 1806.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. Case No. 94/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Hissar and their workman, which was received by the Central Government on 07/09/2015.

[No. L-40012/81/2014-IR(DU)]

P.K. VENUGOPAL, Desk Officer

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH**

**PRESENT:**

SRI KEWAL KRISHAN, Presiding Officer

**Case No. I.D. No. 94/2014**

Registered on 02.02.2015

Sh. Harish Kumar,  
S/o Sh. Om Prakash,  
R/o Vill.-Bhaini Badshahpur,  
Hissar-125001.

.... Petitioner

**Versus**

The General Manager,  
Bharat Sanchar Nigam Limited,  
Red Square Market Railway Road,  
Main Office, Hissar-125001.

.... Respondents

**APPEARANCES**

For the workman : Ex Parte.

For the Management : Sh. D.R. Sharma, Adv.

Central Government *vide* Notification No. L-40012/81/2014-IR(DU) Dated 31.12.2014, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of Bharat Sanchar Nigam Limited Hissar in terminating the services of Sh. Harish Kumar S/o Sh. Om Parkash *w.e.f.* 10.11.2013 is valid, just and legal? If not, to what relief the concerned workman is entitled to and from which date?”

The workman did not file statement of claim and he was proceeding against *ex parte*, *vide* order date 27.4.2015.

Since the workman did not put forward his claim and therefore, Court is left with no option except to decide the reference against the workman and ordered accordingly. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1807.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं० 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 93/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल-40012/80/2014-आईआर (डी यू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th September, 2015

**S.O. 1807.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 93/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited, Hissar and their workmen, which was received by the Central Government on 07/09/2015.

[No. L-40012/80/2014-IR(DU)]

P.K. VENUGOPAL, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH****PRESENT :**

SRI KEWAL KRISHAN, Presiding Officer

**Case No. I.D. No. 93/2014**

Registered on 2.2.2015

Sh. Ramesh Kumar,  
S/o Sh. Chiranji Lal  
R/o Mill Gate, Vinod Nagar,  
Gate No. 7B, Hisar-125001.

.... *Petitioner**Versus*

The General Manager,  
Bharat Sanchar Nigam Ltd.,  
Red Square Market Railway Road,  
Main Office, Hisar-125001

.... *Respondents***APPEARANCES**

For the workman : Ex parte  
For the Management : Sh. D.R. Sharma, Adv.

**AWARD**

Passed on 28.7.2015

Central Government *vide* Notification No. L-40012/80/2014-IR(DU) Dated 31.12.2014, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of Bharat Sanchar Nigam Limited Hisar in terminating the services of Sh. Ramesh Kumar S/o Sh. Chiranji Lal *w.e.f.* 10.11.2013 is valid, just and legal? If not, to what relief the concerned workman is entitled to and from which date?”

The workman did not file statement of claim and he was proceeding against ex parte, *vide* order date 27.4.2015.

Since the workman did not put forward his claim and therefore, this Court is left with no option except to decide the reference against the workman and ordered accordingly. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1808.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंटर फॉर डेवलपमेंट

ऑफ एडवांस्ड कंप्यूटिंग (सी डक, मोहाली) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, नं० 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 5/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल-42011/27/2015-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th September, 2015

**S.O. 1808.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 5/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Centre for Development of Advanced Computing, C-DAC, Mohali and their workmen, which was received by the Central Government on 07/09/2015.

[No. L-42011/27/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH****PRESENT :**

SRI KEWAL KRISHAN, Presiding Officer

**Case No. 5/2015**

Registered on 5.5.2015

The General Secretary,  
C-DAC Employees Welfare Union (Regd.),  
A-34, Industrial Area, Phase-VIII,  
Mohali (Chandigarh)-140110.

.... Applicant

*Versus*

The Director,  
Centre for Development of Advanced  
Computing, (C-DAC, Mohali),  
A-34, Industrial Area, Phase-VIII,  
Mohali (Chandigarh)-140110.

.... Respondent

**APPEARANCES**

For the workman : Sh. Madan Singh  
For the Management : Smt. Uma Gupta

**AWARD**

Passed on 5.8.2015

*Vide* Order No. L-42011/27/2015-IR(DU) Dated 20.04.2015 the Central Government in exercise of the powers

conferred by clause (d) of Sub Section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following Industrial dispute for adjudication to this Tribunal.

“Whether the action of the management in imposing the modified penalty dated 12.07.2014 of withholding the increment of two years is just fair and legal? If not, to what relief the workman be given and from which date?”

The workman appeared through authorized representative who did not submit statement of claim. The authorized representative made a statement which is recorded separately to withdraw the reference.

In view of his statement, the reference is answered against the workman.

Copy of the award be sent to the authority concerned for information and necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2015

**का.आ. 1809.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत इलेक्ट्रॉनिक्स लिमिटेड, पंचकुला के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं० 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 217/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं एल-14011/22/2010-आईआर (डीयू)]  
पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th September, 2015

**S.O. 1809.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 217/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Bharat Electronics Ltd., Panchkula and their workmen, which was received by the Central Government on 07/09/2015.

[No. L-14011/22/2010-IR(DU)]  
P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

#### PRESENT:

SRI KEWAL KRISHAN, Presiding Officer

Case No. I.D. No. 217/2011

#### Registered on 22.9.2011

Bharat Electronics Panchkula Employees Union  
405, Industrial Area Phase-III,  
Panchkula, Haryana (India),  
through its  
Presidents/General Secretary.

.... Petitioner

#### Versus

The General Manager,  
Bharat Electronics Ltd.  
405, Industrial Area, Phase-3,  
Panchkula (Haryana)

.... Respondents

#### APPEARANCES

For the workman : Sh. C.L. Sharma, Adv.

For the Management : Sh. Vasu Gambhir, Adv.

#### AWARD

Passed on 10.07.2015

Central Government *vide* Notification No. L-14011/22/2010 [IR (DU)] Dated 8.9.2011, by exercising its powers under Section 10 sub-section (1) Clause (d) and sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the demand of the Bharat Electronics Employees Union, Panchkula (Haryana) against the management of Bharat Electronics Limited, Panchkula, for punishment to Sh. Sultan Singh ordered to lowering present grade WG-V to WG-IV with reduction of basic pay upto 5 stage *w.e.f.* 1.8.1999 and not given one promotion (practically two promotion), is legal and justified? What relief the workman is entitled to and what directions are necessary in the matter?"

In response to the notice, the workman submitted statement of claim to which written reply was filed.

Shorn of unnecessary details, the facts in brief are that workman Sh. Sultan Singh is an employee of the respondent-management. An incident took place on 20.6.1998 and the workman was served with a charge-sheet-cum-suspension order dated 27.8.1998 which read as follows:—

#### CHARGE-SHEET-CUM-SUSPENSION ORDER

“That on 26.8.1998 after completion of the general shift when Sh. Ram Karan, Staff No. 013502, Helper was coming out of the factory's outer gate along with Sh. Rakesh Kumar, Staff No. 014385 at the later's scooter, he (Sh. Sultan Singh) stopped Sh. Ram Karan



at the outer gate and attacked on him with a hockey stick which he snatched from one co-assailant who were outsiders. When Sh. Ram Karan ran towards the factory he (Sh. Sultan Singh) followed Sh. Ram Karan along with outsider assailants and assaulted Sh. Ram Karan Inside the outer gate. He also directed the outsider assailants to beat Sh. Ram Karan. When the security personnel and other employees separated them he (Sh. Sultan Singh) threatened Sh. Ram Karan “Be aaj to bach gaya hai, tu kab tak bachega.”

As a result of his violence action as stated above, Sh. Ram Karan received injuries, the peace and tranquility of the outer gate area was disturbed and the employees felt insecure.

His above mentioned acts constitute misconduct under Standing Order No. 25.7, 25.16 and 25.19 of the certified Standing Orders of the Company.

The workman submitted reply. It was not found satisfactory and an Inquiry Officer was appointed to conduct the inquiry. The management as well as the workman led evidence before the inquiry officer, who on completion of the inquiry, submitted the report concluding that charges are proved against the workman *vide* his report dated 8.6.1999. On the basis of the said report, the workman was served with a show cause notice and after considering the reply, punishment was awarded to him *vide* order dated 9.8.1999 by reducing him to lower grade from WG-5 to WG-4 reduction of basic pay upto 5 stages *w.e.f.* 1.8.1999.

Now, the workman has challenged the inquiry on the ground that it was Ram Karan and his companions who attacked him outside the factory premises and when he approached the police, he was informed that a case had already been registered against him. He also lodged an FIR against Ram Karan and others. However both the parties affected a compromise in the Court on 19.4.2007. It is further pleaded that in an earlier incident dated 13.1.1998, workman was given beatings by Ram Karan and others and the management only inflicted a minor punishment on Ram Karan. Now again, the inquiry was conducted against him in violation of rules and regulations and he was not supplied the list of documents and witnesses along with the charge-sheet which is vague and indefinite. That the inquiry report is not based on any evidence and the witnesses examined before Inquiry Officer have given contradictory statements and are not to be believed. He was not allowed to examine all the defence witnesses and the inquiry officer disbelieved the statement of Geeta Singh without any reason. That it was Ram Karan and others who assaulted him on 26.8.1998 and in the absence of any convincing evidence, the findings of the Inquiry Officer against the workman are not sustainable.

The workman earlier challenged the punishment order in the Civil Court which was dismissed and in appeal it was held by learned Additional District Judge that the matter is to be moved under the Industrial Disputes Act.

It is prayed that the punishment order which is based on illegal inquiry proceedings be set aside and he be granted all the consequential benefits.

On the other hand, the management has pleaded in its written statement that management received a complaint in writing from Ram Karan along with an FIR dated 26.8.1998 for being beaten by the workman in the factory premises and the matter was also reported by the Security Guard namely Bharat Singh. Consequently, a charge-sheet was issued to the workman and a proper and legal inquiry was conducted. The workman was given due opportunity to cross-examine the witnesses as well as to lead its defence evidence. The inquiry Officer after considering the evidence rightly concluded that charges are proved against the workman and no ground is made out to interfere with the same.

Earlier the case was fixed for evidence of the parties but on 1.2.2014, it was stated to hear the arguments regarding the fairness of the inquiry.

I have heard Sh. C.L. Sharma, counsel for the workman and Sh. Vasu Gambhir, counsel for the management and carefully perused the inquiry file.

As per the allegations, the workman along with others assaulted Ram Karan on 26.8.1998 near the outer gate of the factory. In order to sustain the charge, the management has examined Rakesh Kumar, Bharat Singh and Ram Singh who were cross-examined on behalf of the workman. The Inquiry Officer in his detailed report dated 8.6.1999 discussed the evidence led before him and relying on the statements of the said witnesses, came to the conclusion that charges are proved against the workman.

Rakesh Kumar, Bharat Singh and Ram Singh have supported the case of the management and if minor discrepancies have occurred in their statements, the same is no ground to set aside the inquiry report and it cannot be said any stretch of imagination that inquiry officer acted in a biased manner as argued.

A perusal of the inquiry report shows that initially the management has examined Sh. Rakesh Kumar and Bharat Singh and thereafter the inquiry proceedings were closed. It was thereafter that Ram Karan was recalled and examined. A lengthy argument was advanced that inquiry officer was not competent to examine Ram Karan. Suffice it to say that during the pendency of the inquiry, the Inquiry Officer has the right to examine any witness at any stage to find out the truth of the allegations. Ram Karan is the complainant and if he was not examined earlier, the Inquiry

Officer did not commit any illegality or irregularity by examining him at the later stage. As much as due opportunity was given to the workman to cross-examine him. Therefore, examination of Ram Karan at a later stage do not vitiate the proceedings. It was argued that the statement of Geeta Singh was not properly appreciated by the Inquiry Officer who also did not examine two of the witnesses cited by the workman in his defence. In the Inquiry report, it is specifically mentioned why the Inquiry Officer did not examine two other witnesses namely Tarun Seth and Subhash Mukherjee being not an employee of the management and has also given reason for disbelieving the statement of Geeta Singh and it cannot be said that the Inquiry Officer acted beyond his jurisdiction or the findings recorded by him are not based on any evidence. The Inquiry Officer discussed the evidence led before him in detail while coming to the conclusion that charges are proved against the workman and it is nowhere pointed out that any procedure or rule was not followed by the inquiry officer while conducting the inquiry. The workman was given due opportunity to cross-examine the witnesses as well as to lead his evidence. The pleading that workman was not supplied with the list of witnesses and documents is not sustainable as is evident from the record that these were supplied. Thus, the inquiry was conducted in the presence of the workman who was allowed to cross-examine the witnesses as well to lead defence evidence and no provisions of law has been violated by the Inquiry Officer while conducting the inquiry and therefore the inquiry is held to be fair and proper.

While arguing the case, both the counsels also made submissions regarding the punishment awarded to the workman and being so, there was no necessity to adjourn the case for hearing them whether the punishment awarded is justified or not or is disproportionate to the alleged misconduct.

The learned counsel for the management carried me through Section 11A of the Act and submitted that this Court can only interfere in a case of discharge or dismissal of the workman and in the present case only punishment of lowering the workman in wage group with stoppage of five increments was imposed and therefore the punishment is not covered under Section 11 A of the Act and this Court cannot interfere with the punishment awarded. He has further argued that earlier also when the workman had a quarrel with Ram Karan, and disciplinary action was taken against him and since it was a second act on the part of the workman, the punishment has rightly been awarded. It may be added that in *Punjab National Bank Vs Central Government Industrial Tribunal, Jaipur* reported in 2002 (1) RSA 163, while dealing with the power of the Labour Court under Section 11-A of the Act; it was observed in para 12 of the judgement as follow:—

**Para 12**—In our opinion, a reading of Section 11-A would show that the power of the Industrial Tribunal is

without limitation. In our opinion, it can interfere when the punishment awarded is disproportionate to the proved guilt.

Thus, this court can interfere when the punishment awarded is disproportionate to the proved guilt and it is not always necessary that there should be a dismissal or discharge from service as argued. The workman was charged under Order No. 25.7, 25.16 and 25.19 of the Standing Orders of the management which are as follows:—

**25.7.** Threatening, intimidating, molesting, abusing or assaulting or causing bodily injury to worker or officer of the company inside the Unit premises or outside such premises, where such an act related to the employment or working of the establishment.

**25.16.** Any act subversive of discipline irrespective of whether committed inside or outside the Unit Premises.

**25.19.** Fighting or quarrelling with any worker, officer or other person within the unit premises or outside where such conduct is connected with employment or working of the company.

A perusal of the said provisions clearly shows that Order No. 25.7 is applicable when the Act is related to the employment or working of the establishment and similarly when the fighting or quarrelling with any worker is connected with the employment or working of the company under Rule 25.19. In the present case the fight between the co-workers took place outside the factory gate, though it may have ended inside the premises, as it has come on the statements of the witnesses that Ram Karan entered the factory premises in order to save himself and was chased by the workman and others. It is also the case of the parties that the incident took place after the completion of the shift. Thus, the incident has no concern or connection with the employment or working of the establishment and therefore the said Standing Orders has no application.

However, Standing Order No. 25.16 provides for indiscipline irrespective of whether the same was committed inside or outside the unit premises. Thus, if the co-workers indulged in fighting outside the premises, they are guilty of indiscipline and misconduct.

Though, the workman has pleaded that it was Ram Karan and others who assaulted him, but in view of the definite findings of the Inquiry Officer that it was he who along with others assaulted Ram Karan; the stand of the workman cannot be believed. As much as he himself relies on a compromise effected between the parties in a court which goes a long way the incident has in fact taken place.

Now, the question is whether quarrelling with a co-worker in any circumstance is sufficient to award the punishment as awarded in the present case *i.e.* lowering to grade from WG-5 to WG- 4 with reduction of basic pay upto 5 stages with effect from 1.8.1999. On the face of it the punishment awarded seems to be double punishment. The

learned counsel for the management carried me through Standing Order No. 26.1. to submit that both the penalties *i.e.* lowering of the wages and the stopping of the increments can be passed. The relevant portion of Standing Order No. 26.1 read as follows:—

**26.1** Any workman who is found to have committed any misconduct or violation or infringement of the provisions of any of these Standing Orders may be punished by the management by imposition of any one or combination of the following penalties, depending upon the nature, gravity and other circumstances of the case:

- (i) Oral/written warning or warning;
- (ii) Withholding of increment or increments in the existing scale of pay with or without cumulative effect;
- (iii) Suspension without wages/salary for a period not exceeding seven days at a time;
- (iv) Reduction to the next lower stage or any other lower stage including the lowest stage in the existing grade/scale of pay.
- (v) Reduction to the next lower stage or any other lower grade/scale of pay including the lowest one.
- (vi) Discharge of removal from service;
- (vii) Dismissal from service without notice or payment in lieu of notice.

Its opening para, provides for imposing of any one or combination of the penalties mentioned above but it depends on the gravity of misconduct committed by the workman and it is not in every case that all the penalties as find mention in the said order can be imposed. The workman only had a quarrel with a co-worker for some or the other reason but he still is a workman of the respondent management who is a public sector undertaking. Every management is expected to take maximum out of its workers and not to unnecessarily punish them. Worker can give his best to the management only if kept well and without any mental tension. But in the present case the workman was given two penalties *i.e.* reduction of wages as well as stoppage of increments, which is not desirable for a minor incident which started outside the factory premises but ended inside the premises. In the circumstances, the penalty awarded is quite harsh and by using the powers under Section 11A of the Act, the penalty is to be modified for reduction of basic pay upto two stages *w.e.f.* 1.8.1999 and the punishment order dated 9.8.1999 stands accordingly modified.

In result, it is held that the punishment awarded to Sh. Sultan Singh for lowering him to present grade of

WG-V to WG-IV with reduction of basic pay upto 5 stages *w.e.f.* 1.8.1999 *vide* order dated 9.8.1999 is not legal and justified and the penalty to be imposed is reduction of basic pay upto 2 stages *w.e.f.* 1.8.1999 and the said punishment order stands accordingly modified. Let hard and soft copy of the award be sent to the Central Government for information and further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1810.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोइम्बटोर मुरुगन मिल्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 107/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल०-42011/62/2015-आई आर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 9th September, 2015

**S.O. 1810.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), of the Central Government hereby publishes the award (I.D. No. 107/2015) of the Central Government Industrial Tribunal-cum-Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Coimbatore Murugan Mills and their workmen, which was received by the Central Government on 07/09/2015.

[No. L-42011/62/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Wednesday, the 26th August, 2015

#### PRESENT:

K. P. PRASANNA KUMARI, Presiding Officer  
**Industrial Dispute No. 107/2015**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Coimbatore Murugan Mills and their workmen)

**BETWEEN**

The Secretary : 1st Party/Petitioner Union  
Coimbatore Distt. Textile  
Workers Union (HMS)  
Thyagi N.G.R. Mahal,  
2212 Trichy Road,  
Singanallur  
Coimbatore-641005

AND

The General Manager : 2nd Party/Respondent  
Coimbatore Murugan Mills  
Mettupalayam Road,  
Post Box No. 7004,  
Coimbatore-641043

**APPEARANCE**

For the 1st Party/ : Absent  
Petitioner

For the 2nd Party/ : Absent  
Management

**AWARD**

The Central Government, Ministry of Labour & Employment, *vide* its Order No. L-42011/62/2015-IR(DU) dated 03.07.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:—

“Whether the suspension of Smt. Amuthavallai and deduction of wages of 5 days by the Management of Coimbatore Murugan Mills as claimed by the Coimbatore District Textile Workers Union is justified or not? If not, to what relief the workman/union is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 107/2015 and issued notices to both sides.

3. Though both parties have received notice, both of them did not enter appearance. The matter had come up hearing for the first time on 04.08.2015. Since the parties failed to appear on this date, the case was adjourned to this date for their appearance and other steps. However, today also both parties have not appeared. The petitioner does not seem to be interested in pursuing the case. Because of the non-appearance of the petitioner and in the absence of any material the reference is only to be answered against the petitioner.

In the result the reference is answered against the petitioner. An award is passed accordingly.

K.P. PRASANNA KUMARI, Presiding Officer

**Witness Examined**

For the 1st Party/Petitioner Union : None

For the 2nd Party/Management : None

**On the Petitioner's side**

Ex.No.	Date	Description
	Nil	

**On the Management's side**

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 9 सितम्बर, 2015

**का.आ. 1811.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईजीसीएआर एंड आथर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 74/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2015 को प्राप्त हुआ था।

[सं० एल०-42012/100/2015-आई आर (डीयू)]

पी०के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 9th September, 2015

**S.O. 1811.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 74/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the IGCAR & others and their workman, which was received by the Central Government on 07/09/2015.

[No. L-42012/100/2015-IR(DU)]

P.K. VENUGOPAL, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
CHENNAI**

Monday, the 24th August, 2015

**PRESENT :**

K. P. PRASANNA KUMARI, Presiding Officer  
**Industrial Dispute No. 74/2015**



(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of M/s Voltas Ltd. and their workman)

### BETWEEN

Shri N. Kathirvel : 1st Party/Petitioner

### AND

1. The Director : 2nd Party/1st Respondent  
IGCAR (Principal  
Employer)  
Kalpakkam-603012

2. Mr. Marudhavanan : 2nd Party/2nd Respondent  
Manager,  
M/s Voltas Ltd.  
No. 624, Anna Salai  
Chennai-600018

### APPEARANCE

For the 1st Party/  
Petitioner : None

For the 2nd Party/  
1st Management : Shri B. Sekar, Advocate

For the 2nd Party/  
2nd Management : Shri T.R. Sathiamohan,  
Advocate

### AWARD

The Central Government, Ministry of Labour & Employment, *vide* its Order No. L-42012/100/2015-IR(DU) dated 26.05.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:—

“Whether the action of the Management of M/s Voltas Limited in terminating the service of Shri N. Kathirvel w.e.f. 29.08.2012 is illegal, arbitrary and violation of Section-25F of ID Act? To what relief the workman is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 74/2015 and issued notices to both sides. The Respondents have entered appearance through their counsel.

3. Though notice was issued to the petitioner repeatedly in the given address, notice was returned un-served with the endorsement that he is not available in the address.

4. In the absence of the appearance of the petitioner it is not possible to adjudicate the matter on merits. The reference is closed and is answered against the petitioner.

K.P. PRASANNA KUMARI, Presiding Officer

### Witness Examined

For the 1st Party/Petitioner Union : None

For the 2nd Party/1st and 2nd  
Management : None

### Documents Marked

#### On the Petitioner's side

Ex. No.	Date	Description
	Nil	

#### On the Management's side

Ex. No.	Date	Description
	Nil	